The Journal OF THE House of Representatives

Number 24 **Tuesday, April 6, 2010**

The House was called to order by the Speaker at 3:15 p.m.

Prayer

The following prayer was offered by Erin Simmons, 2009 Rhodes Scholar finalist at Florida State University and member of Grace Church of Tallahassee, upon invitation of Rep. Patronis:

Our Almighty God, we come to You today to ask Your blessings for the Florida House of Representatives. We want to thank You for the success and prosperity of our nation and of the state of Florida.

God, thank You, for the great leaders in this room today. We come to You to ask for guidance, for strength, and for wisdom. We pray for guidance from You to determine the right decisions for the people we lead and represent. We pray for the strength to make the right decision, even if it is not the most popular, for we know that this is what makes a truly great leader.

And God, we pray for wisdom. Wisdom to know what is the right choice, when the lines seem blurry to us. For You know the lines between right and wrong are never blurry to You, God. God, we pray that You will stay on our hearts and in our minds for the duration of this session, and that our conversations and thoughts may be pleasing to You. We love You and praise You, in Christ's name. Amen. Go Noles!

Moment of Silence

At the request of Rep. Sands, the House observed a moment of silence in memory of Dr. Joseph Morrissey of Plantation, a Nova Southeastern University science professor who was murdered this morning, April 6.

The following members were recorded present:

Session Vote Sequence: 674

Speaker Cretul in the Chair.

Abruzzo	Bush	Fetterman	Hasner
Adams	Cannon	Fitzgerald	Hays
Adkins	Chestnut	Flores	Heller
Anderson	Clarke-Reed	Ford	Holder
Aubuchon	Coley	Fresen	Homan
Bembry	Cretul	Frishe	Hooper
Bernard	Crisafulli	Galvano	Horner
Bogdanoff	Cruz	Garcia	Hudson
Boyd	Culp	Gibbons	Hukill
Brandenburg	Domino	Gibson	Jenne
Braynon	Dorworth	Glorioso	Jones
Brisé	Drake	Gonzalez	Kelly
Bullard	Eisnaugle	Grady	Kiar
Burgin	Evers	Grimsley	Kreegel
Kriseman	Plakon	Roberson, K.	Steinberg
Llorente	Poppell	Roberson, Y.	Taylor
Long	Porth	Rogers	Thompson, N.
Lopez-Cantera	Precourt	Rouson	Thurston
Mayfield	Proctor	Sachs	Tobia
McBurney	Rader	Sands	Troutman
McKeel	Randolph	Saunders	Van Zant
Murzin	Ray	Schenck	Waldman
Nehr	Reagan	Schultz	Weatherford
Nelson	Reed	Schwartz	Weinstein
O'Toole	Rehwinkel Vasilinda	Skidmore	Williams, A.
Pafford	Renuart	Snyder	Williams, T.
Patronis	Rivera	Soto	Wood
Patterson	Robaina	Stargel	Workman

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

Pledge

The members, led by Bobby Seifter, the newly inaugurated Florida State University Student Government Vice President, at the invitation of Rep. Patronis, pledged allegiance to the Flag.

Correction of the *Journal*

The *Journals* of April 1 and April 5 were corrected and approved as corrected.

Reports of Standing Councils and Committees

Reports of the Rules & Calendar Council

The Honorable Larry Cretul April 1, 2010
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Tuesday, April 06, 2010. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 7201 - Finance & Tax Council, Bogdanoff
Economic Development

CS/HB 483 & HB 469 - Finance & Tax Council, Rivera, Flores & others
Tax on Sales, Use, and Other Transactions

CS/CS/HB 697 - Finance & Tax Council, Economic Development Policy Committee, & others

Entertainment Industry Economic Development

CS/HB 173 - Economic Development Policy Committee, Poppell, & others
Tax on Sales, Use, and Other Transactions

CS/CS/HB 913 - Finance & Tax Council, Economic Development Policy Committee, & others
Tax on Sales, Use, and Other Transactions

CS/CS/HB 983 - Finance & Tax Council, Economic Development Policy Committee, & others
Florida Research Commercialization Matching Grant Program

CS/CS/HB 1169 - Finance & Tax Council, Economic Development Policy Committee, & others
Florida Ports Investments

HB 711 - Grady
Tax on Sales, Use, and Other Transactions

CS/CS/SB 1238 - Policy and Steering Committee on Ways and Means, Governmental Oversight and Accountability, & others
Review/DMS/Florida Government Accountability Act [GPSC]

CS/SB 1396 - Criminal and Civil Justice Appropriations, Crist
Incentive Gain-time [WPSC]

CS/SB 1436 - Transportation and Economic Development Appropriations, Fasano, & others
Vehicle Registration Fees [WPSC]

CS/SB 1442 - Transportation and Economic Development Appropriations, Fasano
Corporate License Plates [WPSC]

CS/CS/SB 1484 - Policy and Steering Committee on Ways and Means, Health and Human Services Appropriations, & others
Medicaid [WPSC]

CS/SB 1508 - General Government Appropriations, Baker
Department of Agriculture and Consumer Services [WPSC]

CS/SB 1510 - General Government Appropriations, Baker
Department of Citrus [WPSC]

CS/SB 1514 - General Government Appropriations, Baker, & others
Recreational Licenses [WPSC]

CS/CS/SB 1516 - Policy and Steering Committee on Ways and Means, General Government Appropriations, & others
State-owned Lands [WPSC]

CS/SB 1592 - General Government Appropriations, Baker
Fiscally Constrained Counties [WPSC]

CS/SB 1646 - Transportation and Economic Development Appropriations, Fasano, & others
Regional Workforce Boards [WPSC]

CS/SB 2020 - Policy and Steering Committee on Ways and Means, Alexander
Information Technology [WPSC]

CS/SB 2024 - Policy and Steering Committee on Ways and Means, Alexander
Tax on Communications and Utility Services [WPSC]

CS/SB 2374 - Policy and Steering Committee on Ways and Means, Alexander
State Group Insurance Program [WPSC]

CS/SB 2386 - Policy and Steering Committee on Ways and Means, Alexander
State Financial Matters [WPSC]

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Bill Galvano, Chair
Rules & Calendar Council

On motion by Rep. Galvano, the above report was adopted.

Special Orders

HB 7201—A bill to be entitled An act relating to economic development; amending s. 212.031, F.S.; providing a partial exemption from the tax on renting, leasing, letting, or granting a license for the use of real property for property rented, leased, subleased, or licensed to a person providing certain services at convention halls, civic centers, or public lodging establishments; providing for application only to certain portions of payments; providing for retroactive application; amending s. 212.08, F.S., relating to exemptions from sales, rental, use, consumption, distribution, and storage tax; revising the definitions of the terms "productive output" and "real property" for purposes of certain exemptions; creating s. 288.0659, F.S.; creating the Local Government Distressed Area Matching Grant Program within the Office of Tourism, Trade, and Economic Development; providing a program purpose; providing definitions; authorizing the office to accept and administer appropriated moneys to provide local government distressed area matching grants; authorizing local governments to apply for grants to match qualified business assistance; providing qualifying requirements for targeted businesses; specifying evaluation criteria for reviewing grant requests; subjecting grant approval to legislative appropriation; providing limitations on expending funds; providing procedures for approving grant allocations or disapproving application; providing a process for making preliminary and final grant awards; providing requirements for grant recipients; providing for revocation of grants; limiting the grant amount for the qualified business assistance; authorizing the office to retain certain funds for administrative costs; providing appropriations; providing an effective date.

—was read the second time by title. On motion by Rep. Bogdanoff, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 675

Speaker Cretul in the Chair.

Yeas—112

Adams	Crisafulli	Grimsley	Mayfield
Adkins	Cruz	Hasner	McBurney
Anderson	Culp	Hays	McKeel
Aubuchon	Domino	Heller	Murzin
Bembry	Dorworth	Holder	Nehr
Bernard	Drake	Homan	Nelson
Bogdanoff	Eisnaugle	Hooper	O'Toole
Boyd	Evers	Horner	Pafford
Brandenburg	Fetterman	Hudson	Patronis
Braynon	Fitzgerald	Hukill	Patterson
Brisé	Flores	Jenne	Plakon
Bullard	Ford	Jones	Poppell
Burgin	Fresen	Kelly	Porth
Bush	Frishe	Kiar	Precourt
Cannon	Garcia	Kreegel	Proctor
Carroll	Gibbons	Kriseman	Rader
Chestnut	Gibson	Legg	Randolph
Clarke-Reed	Glorioso	Llorente	Ray
Coley	Gonzalez	Long	Reagan
Cretul	Grady	Lopez-Cantera	Reed

Rehwinkel Vasilinda	Sands	Stargel	Waldman
Renuart	Saunders	Steinberg	Weatherford
Robaina	Schenck	Taylor	Weinstein
Roberson, K.	Schultz	Thompson, N.	Williams, A.
Roberson, Y.	Schwartz	Thurston	Williams, T.
Rogers	Skidmore	Tobia	Wood
Rouson	Snyder	Troutman	Workman
Sachs	Soto	Van Zant	Zapata

Nays—None

Votes after roll call:
Yeas—Abruzzo, Ambler, Bovo, Galvano, Rivera, Thompson, G.

So the bill passed and was certified to the Senate.

CS/HB 483 & HB 469—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies is exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative Saunders offered the following:

(Amendment Bar Code: 956481)

Amendment 1—Remove lines 17-18 and insert:
price of $50 or less per item during the period from 12:01 a.m., August 13, 2010, through midnight, August 16, 2010.

Remove lines 30-31 and insert:
per item during the period from 12:01 a.m., August 13, 2010, through midnight, August 16, 2010.

Rep. Saunders moved the adoption of the amendment.

Representative Saunders offered the following:

(Amendment Bar Code: 215177)

Amendment 1 to Amendment 1 (956481)—Remove line 6 and insert:
August 6, 2010, through midnight, August 15, 2010.

Remove lines 9-10 and insert:
per item during the period from 12:01 a.m. August 6, 2010, through midnight, August 15, 2010.

Rep. Saunders moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 1** was withdrawn.

Representative Saunders offered the following:

(Amendment Bar Code: 938825)

Substitute Amendment 1 (with title amendment)—Remove lines 17-18 and insert:
price of $50 or less per item during the period from 12:01 a.m. on Friday through midnight on Sunday of the second weekend in August each year.

Remove lines 30-31 and insert:
per item during the period from 12:01 a.m. on Friday through midnight on Sunday of the second weekend in August each year.

T I T L E A M E N D M E N T

Remove line 3 and insert:
transactions; specifying a period each year during which the sale of

Rep. Saunders moved the adoption of the substitute amendment. Subsequently, **Substitute Amendment 1** was withdrawn.

The question recurred on the adoption of **Amendment 1**, which was withdrawn.

On motion by Rep. Rivera, the rules were waived and CS/HB 483 & HB 469 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 676

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Eisnaugle	Kreegel	Roberson, Y.
Adams	Evers	Kriseman	Rogers
Adkins	Fetterman	Legg	Rouson
Ambler	Fitzgerald	Llorente	Sachs
Anderson	Flores	Long	Sands
Aubuchon	Ford	Lopez-Cantera	Saunders
Bembry	Fresen	Mayfield	Schenck
Bernard	Frishe	McBurney	Schultz
Bogdanoff	Galvano	McKeel	Schwartz
Bovo	Garcia	Murzin	Skidmore
Boyd	Gibbons	Nehr	Snyder
Brandenburg	Gibson	Nelson	Soto
Braynon	Glorioso	O'Toole	Stargel
Brisé	Gonzalez	Pafford	Steinberg
Bullard	Grady	Patronis	Taylor
Burgin	Grimsley	Patterson	Thompson, N.
Bush	Hasner	Poppell	Thurston
Cannon	Hays	Porth	Tobia
Carroll	Heller	Precourt	Troutman
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Randolph	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Hukill	Reed	Williams, T.
Culp	Jenne	Rehwinkel Vasilinda	Wood
Domino	Jones	Renuart	Workman
Dorworth	Kelly	Robaina	Zapata
Drake	Kiar	Roberson, K.	

Nays—None

Votes after roll call:
Yeas—Plakon, Rivera, Thompson, G.

So the bill passed and was certified to the Senate.

CS/CS/HB 697—A bill to be entitled An act relating to entertainment industry economic development; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; amending s.

220.02, F.S.; including tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; limiting application of the entertainment industry tax credits; requiring electronic funds transfer for the tax credits; providing procedures; providing severability; providing an effective date.

—was read the second time by title.

Representative Precourt offered the following:

(Amendment Bar Code: 453503)

Amendment 1—Remove line 179 and insert:
before the first day of principal photography or project start date

Rep. Precourt moved the adoption of the amendment, which was adopted.

Representative Precourt offered the following:

(Amendment Bar Code: 519635)

Amendment 2—Remove lines 371-374 and insert:
220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The

Rep. Precourt moved the adoption of the amendment, which was adopted.

Representative Precourt offered the following:

(Amendment Bar Code: 582497)

Amendment 3 (with title amendment)—Remove lines 538-595 and insert:

(10) REPEAL.—This section is repealed July 1, 2015, except that:

(a) Tax credits certified under paragraph (3)(d) before July 1, 2015, may be awarded under paragraph (3)(f) on or after July 1, 2015, if the other requirements of this section are met.

(b) Tax credits carried forward under paragraph (4)(e) remain valid for the period specified.

Section 2. Paragraph (q) is added to subsection (5) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(q) Entertainment industry tax credit; authorization; eligibility for credits.—The credits against sales tax authorized under s. 288.1254 shall be deducted from any sales and use tax remitted by the dealer to the department by electronic funds transfer and may only be deducted on a sales and use tax return initiated through electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit for the qualified expenditures is larger than the amount owed on the sales and use tax return that is eligible for the credit, the unused amount of the credit may be carried forward to a succeeding reporting period as provided in s. 288.1254(4)(e). A dealer may only obtain a credit using the method described in this subparagraph. A dealer is not authorized to obtain a credit by applying for a refund.

Section 3. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 4. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.187, those enumerated in s. 220.192, those enumerated in s. 220.193, ~~and~~ those enumerated in s. 288.9916, and those enumerated in s. 220.1899.

Section 5. Section 220.1899, Florida Statutes, is created to read:

220.1899 Entertainment industry tax credit.—

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the Office of Tourism, Trade, and Economic Development under the entertainment industry financial incentive program in s. 288.1254.

(2) A qualified production company as defined in s. 288.1254 that is awarded a tax credit under s. 288.1254 may not claim the credit before July 1, 2011, regardless of when the credit is awarded.

(3) To the extent that the amount of a tax credit exceeds the amount due on a return, the balance of the credit may be carried forward to a succeeding reporting period pursuant to s. 288.1254(4)(e).

Section 6. The sums of $94,250 in recurring funds and $3,877 in nonrecurring funds are appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development, and one additional full-time equivalent position and the associated salary rate of $67,001 is authorized, for the purpose of administering the entertainment industry financial incentive program pursuant to s. 288.1254, Florida Statutes, during the 2010-2011 fiscal year.

T I T L E A M E N D M E N T

Remove lines 30-39 and insert:
future repeal; amending s. 212.08, F.S.; limiting application of the entertainment industry tax credits; requiring electronic funds transfer for the tax credits; providing procedures; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; including tax credits enumerated in s. 220.1899, F.S., in the order of application of credits against certain taxes; creating s. 220.1899, F.S.; providing for credits against the corporate income tax in the amounts awarded under the entertainment industry financial incentive program; providing for carryforward of the tax credits under certain circumstances; providing an appropriation and authorizing an additional position; providing severability; providing an

Rep. Precourt moved the adoption of the amendment, which was adopted.

On motion by Rep. Precourt, the rules were waived and CS/CS/HB 697 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 677

Speaker Cretul in the Chair.

Yeas—117

Abruzzo	Evers	Legg	Rogers
Adams	Fetterman	Llorente	Rouson
Adkins	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Fresen	McBurney	Schenck
Bembry	Frishe	McKeel	Schultz
Bernard	Galvano	Murzin	Schwartz
Bogdanoff	Garcia	Nehr	Skidmore
Bovo	Gibbons	Nelson	Snyder
Boyd	Gibson	O'Toole	Soto
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, N.
Burgin	Hasner	Poppell	Thurston
Bush	Hays	Porth	Tobia
Cannon	Heller	Precourt	Troutman
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Randolph	Weatherford
Coley	Horner	Ray	Weinstein
Cretul	Hudson	Reagan	Williams, A.
Crisafulli	Hukill	Reed	Williams, T.
Cruz	Jenne	Rehwinkel Vasilinda	Wood
Culp	Jones	Renuart	Workman
Domino	Kelly	Rivera	Zapata
Dorworth	Kiar	Robaina	
Drake	Kreegel	Roberson, K.	
Eisnaugle	Kriseman	Roberson, Y.	

Nays—None

Votes after roll call:
Yeas—Thompson, G.

So the bill passed, as amended, and was certified to the Senate after engrossment.

Motion

On motion by Rep. Precourt, the board was opened [Session Vote Sequence: 678] and the following members were recorded as cosponsors of **CS/CS/HB 697**, along with Reps. Precourt, Ambler, Carroll, Abruzzo, Bernard, Coley, Crisafulli, Fetterman, Ford, Frishe, Garcia, Hays, Hooper, Horner, Kelly, McBurney, McKeel, Plakon, Rehwinkel Vasilinda, Robaina, Y. Roberson, Snyder, Soto, Steinberg, Taylor, Wood, and Zapata: Reps. Adams, Adkins, Anderson, Aubuchon, Bembry, Bogdanoff, Bovo, Boyd, Brandenburg, Braynon, Brisé, Bullard, Burgin, Bush, Cannon, Chestnut, Clarke-Reed, Cretul, Cruz, Culp, Domino, Dorworth, Drake, Eisnaugle, Evers, Fitzgerald, Flores, Fresen, Galvano, Gibbons, Gibson, Glorioso, Gonzalez, Grimsley, Hasner, Heller, Holder, Homan, Hudson, Hukill, Jenne, Jones, Kiar, Kreegel, Kriseman, Llorente, Long, Lopez-Cantera, Mayfield, Murzin, Nehr, O'Toole, Pafford, Patronis, Patterson, Poppell, Porth, Proctor, Rader, Ray, Reagan, Reed, Renuart, Rivera, K. Roberson, Rogers, Rouson, Sachs, Sands, Saunders, Schenck, Schwartz, Skidmore, Stargel, N. Thompson, Thurston, Tobia, Troutman, Van Zant, Waldman, Weatherford, Weinstein, A. Williams, T. Williams, and Workman.

CS/HB 173—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; deleting a requirement that a certain penalty is mandatory and not waivable by the Department of Revenue; deleting authorization to return certain aircraft to the state for repairs without liability for taxes and penalty under certain circumstances; amending s. 212.08, F.S.; exempting from the use tax aircraft owned by nonresidents and entering and remaining in the state for certain purposes under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Rep. Poppell, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 679

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Long	Rogers
Adams	Fitzgerald	Lopez-Cantera	Rouson
Adkins	Flores	Mayfield	Sachs
Ambler	Ford	McBurney	Sands
Aubuchon	Fresen	McKeel	Saunders
Bembry	Frishe	Murzin	Schenck
Bernard	Galvano	Nehr	Schultz
Bogdanoff	Garcia	Nelson	Schwartz
Bovo	Gibbons	O'Toole	Skidmore
Boyd	Glorioso	Pafford	Snyder
Braynon	Gonzalez	Patronis	Soto
Brisé	Grady	Patterson	Stargel
Burgin	Grimsley	Plakon	Steinberg
Bush	Hasner	Poppell	Taylor
Cannon	Hays	Porth	Thompson, N.
Carroll	Heller	Precourt	Thurston
Chestnut	Holder	Proctor	Tobia
Clarke-Reed	Homan	Rader	Troutman
Coley	Hooper	Randolph	Van Zant
Cretul	Horner	Ray	Waldman
Crisafulli	Hudson	Reagan	Weatherford
Cruz	Hukill	Reed	Weinstein
Culp	Jones	Rehwinkel Vasilinda	Williams, T.
Domino	Kelly	Renuart	Wood
Dorworth	Kiar	Rivera	Workman
Drake	Kreegel	Robaina	Zapata
Eisnaugle	Legg	Roberson, K.	
Evers	Llorente	Roberson, Y.	

Nays—6

Brandenburg	Gibson	Kriseman
Bullard	Jenne	Williams, A.

Votes after roll call:
Yeas—Thompson, G.
Yeas to Nays—Pafford

So the bill passed and was certified to the Senate.

CS/CS/HB 913—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.08, F.S.; providing tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft; creating s. 212.0597, F.S.; providing a maximum tax on the sale or use of fractional aircraft ownership interests; providing an effective date.

—was read the second time by title. On motion by Rep. Hooper, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 680

Speaker Cretul in the Chair.

Yeas—109

Abruzzo	Boyd	Cretul	Fitzgerald
Adams	Braynon	Crisafulli	Flores
Adkins	Brisé	Cruz	Ford
Ambler	Burgin	Culp	Fresen
Anderson	Bush	Domino	Frishe
Aubuchon	Cannon	Dorworth	Galvano
Bembry	Carroll	Drake	Garcia
Bernard	Chestnut	Eisnaugle	Gibbons
Bogdanoff	Clarke-Reed	Evers	Glorioso
Bovo	Coley	Fetterman	Gonzalez

Grady	Lopez-Cantera	Reagan	Steinberg
Grimsley	Mayfield	Reed	Taylor
Hasner	McBurney	Renuart	Thompson, N.
Hays	McKeel	Rivera	Thurston
Heller	Murzin	Robaina	Tobia
Holder	Nehr	Roberson, K.	Troutman
Homan	Nelson	Roberson, Y.	Van Zant
Hooper	O'Toole	Rogers	Waldman
Horner	Patronis	Rouson	Weatherford
Hudson	Patterson	Sachs	Weinstein
Hukill	Plakon	Sands	Williams, A.
Jones	Poppell	Saunders	Williams, T.
Kelly	Porth	Schenck	Wood
Kiar	Precourt	Schultz	Workman
Kreegel	Proctor	Schwartz	Zapata
Legg	Rader	Snyder	
Llorente	Randolph	Soto	
Long	Ray	Stargel	

Nays—7

Brandenburg	Gibson	Kriseman	Rehwinkel Vasilinda
Bullard	Jenne	Pafford	

Votes after roll call:
Yeas—Skidmore, Thompson, G.

So the bill passed and was certified to the Senate.

CS/CS/HB 983—A bill to be entitled An act relating to the Florida Research Commercialization Matching Grant Program; creating s. 288.9552, F.S.; providing legislative findings and intent; creating the program; providing eligibility guidelines for applicants; providing for a program administrator; providing for program administrative costs; specifying eligibility requirements; providing a schedule for the review of applications; providing for awards; requiring the Florida Institute for the Commercialization of Public Research to submit an annual report to the Governor and Legislature; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative Hudson offered the following:

(Amendment Bar Code: 117191)

Amendment 1 (with title amendment)—Between lines 128 and 129, insert:

Section 2. Subsections (8) through (12) of section 288.9625, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and present subsections (2), (7), (8), and (9) of that section are amended to read:

288.9625 Institute for the Commercialization of Public Research.—There is established the Institute for the Commercialization of Public Research.

(2) The purpose of the institute is to assist in the commercialization of products developed by the research and development activities of universities and colleges, research institutes, ~~and~~ publicly and privately supported organizations within the state, and individuals. The institute shall operate to fulfill its purpose and in the best interests of the state. The institute:

(a) Shall be a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity;

(b) Is not an agency within the meaning of s. 20.03(11);

(c) Is subject to the open records and meetings requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011;

(d) Is not subject to the provisions of chapter 287;

(e) Shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(f) Is not authorized to create corporate subsidiaries;

(g) Shall support existing commercialization efforts at state universities; and

(h) Shall not supplant, replace, or direct existing technology transfer operations or other commercialization programs, including incubators and accelerators, whether public or private.

~~(7) Enterprise Florida, Inc., shall issue a request for proposals to state universities requesting proposals to fulfill the purposes of the institute as described in this section and provide for its physical location in a major metropolitan area in the southern part of the state having extensive commercial air service to facilitate access by venture capital providers. Enterprise Florida, Inc., shall review the proposals in a committee appointed by its board of directors which shall make a recommendation for final selection. Final approval of the selected proposal must be by the board of directors of Enterprise Florida, Inc., at one of its duly noticed meetings.~~

(7)~~(8)~~(a) To be eligible for assistance, the company or organization attempting to commercialize its product must be accepted by the institute before receiving the institute's assistance.

(b) The institute shall receive recommendations from any publicly supported organization that a company that is commercializing the research, technology, or patents from a qualifying publicly or privately supported organization should be accepted into the institute.

(c) The institute shall thereafter review the business plans and technology information of each such recommended company. If accepted, the institute shall mentor the company, develop marketing information on the company, and use its resources to attract capital investment into the company, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success.

(8)~~(9)~~ The institute shall:

(a) Maintain a centralized location to showcase companies and their technologies and products;

(b) Develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;

(c) Routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;

(d) Facilitate meetings between prospective investors and eligible organizations in the institute;

(e) Hire full-time staff who understand relevant technologies needed to market companies to the angel investors and venture capital investment community; and

(f) Develop cooperative relationships with publicly and privately supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies.

(g) Administer a legislatively created matching grant program to provide financial assistance for early stage companies that have received federal funding and that may have received private or other public financial assistance.

T I T L E A M E N D M E N T

Between lines 11 and 12, insert:
amending s. 288.9625, F.S.; revising the purpose of the Institute for the Commercialization of Public Research; deleting a requirement that Enterprise Florida, Inc., contract with a state university to fulfill the purposes of the institute; revising the institute's powers and duties; requiring the institute to administer a matching grant program to provide financial assistance for certain early stage companies;

Rep. Hudson moved the adoption of the amendment, which was adopted.

On motion by Rep. Hudson, the rules were waived and CS/CS/HB 983 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 681

Speaker Cretul in the Chair.

Yeas—108

Abruzzo	Eisnaugle	Legg	Roberson, Y.
Adams	Evers	Llorente	Rouson
Adkins	Fetterman	Long	Sachs
Ambler	Fitzgerald	Lopez-Cantera	Sands
Anderson	Flores	Mayfield	Saunders
Aubuchon	Ford	McBurney	Schenck
Bembry	Fresen	McKeel	Schultz
Bernard	Frishe	Murzin	Schwartz
Bogdanoff	Galvano	Nehr	Skidmore
Bovo	Garcia	Nelson	Snyder
Boyd	Gibbons	O'Toole	Soto
Brandenburg	Glorioso	Patronis	Stargel
Braynon	Gonzalez	Patterson	Steinberg
Brisé	Grady	Plakon	Taylor
Burgin	Grimsley	Poppell	Thompson, N.
Bush	Hasner	Porth	Thurston
Cannon	Hays	Precourt	Tobia
Carroll	Heller	Proctor	Troutman
Chestnut	Holder	Rader	Van Zant
Coley	Homan	Randolph	Waldman
Cretul	Hooper	Ray	Weatherford
Crisafulli	Horner	Reagan	Weinstein
Cruz	Hudson	Reed	Williams, A.
Culp	Hukill	Renuart	Williams, T.
Domino	Kelly	Rivera	Wood
Dorworth	Kiar	Robaina	Workman
Drake	Kreegel	Roberson, K.	Zapata

Nays—9

Bullard	Jenne	Pafford
Clarke-Reed	Jones	Rehwinkel Vasilinda
Gibson	Kriseman	Rogers

Votes after roll call:
Yeas—Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS/CS/HB 1169—A bill to be entitled An act relating to Florida ports investments; creating s. 311.23, F.S.; providing a short title; providing a purpose; providing definitions; creating the Florida Ports Investment Corporation; subjecting the corporation to certain public meetings and public records requirements; providing authority and requirements for the corporation; providing for a board of directors; providing for appointment of board members; providing for investments by the corporation in certain port projects; providing port project funding criteria; providing requirements for capital allocation and investments; providing requirements for certain uninvested capital; providing requirements for investments; providing for a premium tax credit; providing for carryforward of the credit; providing limitations on the credit; providing limitations on the amount of tax credits; providing investment requirements; providing procedures, requirements, and limitations for transfers of unused credits; authorizing the corporation and the office to charge certain fees; providing reporting requirements; authorizing the Department of Revenue and the office to adopt rules; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the office; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

On motion by Rep. Ray, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 682

Representative Reagan in the Chair.

Yeas—114

Abruzzo	Adkins	Anderson	Bembry
Adams	Ambler	Aubuchon	Bernard
Bogdanoff	Frishe	Mayfield	Sachs
Bovo	Galvano	McBurney	Sands
Boyd	Garcia	McKeel	Saunders
Brandenburg	Gibbons	Murzin	Schenck
Braynon	Gibson	Nehr	Schultz
Brisé	Glorioso	Nelson	Schwartz
Bullard	Gonzalez	O'Toole	Skidmore
Burgin	Grady	Pafford	Snyder
Bush	Grimsley	Patronis	Soto
Cannon	Hasner	Patterson	Stargel
Carroll	Hays	Plakon	Steinberg
Chestnut	Heller	Poppell	Taylor
Clarke-Reed	Holder	Porth	Thompson, N.
Coley	Homan	Precourt	Thurston
Crisafulli	Hooper	Proctor	Tobia
Cruz	Horner	Rader	Troutman
Culp	Hudson	Randolph	Van Zant
Domino	Hukill	Ray	Waldman
Dorworth	Jones	Reagan	Weatherford
Drake	Kelly	Reed	Weinstein
Eisnaugle	Kiar	Rehwinkel Vasilinda	Williams, A.
Evers	Kreegel	Renuart	Williams, T.
Fetterman	Kriseman	Rivera	Wood
Fitzgerald	Legg	Robaina	Workman
Flores	Llorente	Roberson, K.	Zapata
Ford	Long	Roberson, Y.	
Fresen	Lopez-Cantera	Rogers	

Nays—None

Votes after roll call:
Yeas—Cretul, Jenne, Thompson, G.

So the bill passed and was certified to the Senate.

HB 711—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; amending s. 212.05, F.S.; imposing a maximum limitation on the amount of tax collected on sales of boats in this state; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

On motion by Rep. Grady, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 683

Speaker Cretul in the Chair.

Yeas—79

Abruzzo	Evers	Kreegel	Roberson, K.
Adams	Fitzgerald	Lopez-Cantera	Sands
Adkins	Flores	Mayfield	Schenck
Ambler	Ford	McBurney	Schultz
Anderson	Fresen	McKeel	Skidmore
Aubuchon	Frishe	Murzin	Snyder
Bernard	Galvano	Nehr	Stargel
Bogdanoff	Gibbons	Nelson	Thompson, N.
Bovo	Glorioso	O'Toole	Thurston
Burgin	Gonzalez	Patronis	Tobia
Cannon	Grady	Patterson	Troutman
Carroll	Grimsley	Plakon	Van Zant
Coley	Hasner	Precourt	Waldman
Cretul	Hays	Proctor	Weatherford
Crisafulli	Holder	Randolph	Weinstein
Culp	Homan	Ray	Williams, T.
Domino	Hooper	Reagan	Wood
Dorworth	Horner	Renuart	Workman
Drake	Hudson	Rivera	Zapata
Eisnaugle	Kelly	Robaina	

Nays—36

Bembry	Cruz	Kriseman	Rogers
Boyd	Fetterman	Legg	Rouson
Brandenburg	Garcia	Long	Sachs
Braynon	Gibson	Pafford	Saunders
Brisé	Heller	Porth	Schwartz
Bullard	Hukill	Rader	Soto
Bush	Jenne	Reed	Steinberg
Chestnut	Jones	Rehwinkel Vasilinda	Taylor
Clarke-Reed	Kiar	Roberson, Y.	Williams, A.

Votes after roll call:
Nays—Thompson, G.
Yeas to Nays—Stargel

So the bill passed and was certified to the Senate.

CS for CS for SB 1238—A bill to be entitled An act relating to a review of the Department of Management Services under the Florida Government Accountability Act; transferring certain programs and related trust funds from the department to other state agencies within the executive branch; authorizing the Executive Office of the Governor to transfer funds and positions with the approval of the Legislative Budget Commission; requesting the interim assistance of the Division of Statutory Revision to prepare conforming legislation for the next regular session of the Legislature; amending ss. 11.917, 14.057, 14.204, 16.615, and 20.04, F.S.; conforming provisions to changes made by the act; amending s. 20.22, F.S.; changing the name of the department to the Department of Personnel Management; conforming provisions to changes made by the act; amending s. 20.255, F.S.; providing for an additional deputy secretary within the Department of Environmental Protection; creating the Division of Facilities Management and Building Construction within the department; amending ss. 20.23, 20.331, 20.50, 24.105, 24.120, 29.008, 29.21, 110.1055, 110.107, 110.1099, 110.116, 110.121, 110.1227, 110.1228, 110.123, 110.12312, 110.12315, 110.1232, 110.1234, 110.1245, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.181, 110.2035, 110.2037, 110.205, 110.2135, 110.227, 110.403, 110.405, 110.406, 110.503, 110.605, 110.606, 112.0455, 112.05, 112.08, 112.0804, 112.24, 112.3173, 112.31895, 112.352, 112.354, 112.358, 112.361, 112.362, 112.363, 112.63, 112.64, 112.658, 112.661, 112.665, 120.65, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.055, and 121.1815, F.S.; conforming provisions to changes made by the act; repealing s. 121.1905, F.S., relating to the creation of the Division of Retirement; amending ss. 121.192, 121.22, 121.23, 121.24, 121.35, 121.40, 121.4501, 121.4503, 121.591, 121.5911, 121.78, 122.02, 122.09, 122.23, 122.34, 145.19, 154.04, 163.3184, 175.032, 175.1215, 175.361, 185.02, 185.105, 185.37, 189.4035, 189.412, 210.20, 210.75, 213.053, 215.196, 215.22, 215.28, 215.422, 215.425, 215.47, 215.50, 215.94, 215.96, 216.0152, 216.016, 216.023, 216.044, 216.163, 216.237, 216.238, 216.262, 216.292, 217.02, 217.04, 217.045, 238.01, 238.02, 238.03, 238.07, 238.09, 238.10, 238.11, 238.12, 238.15, 238.171, 238.181, 238.32, 250.22, 252.385, 253.034, 253.126, 253.45, 255.02, 255.043, 255.05, 255.0525, 255.248, 255.249, 255.25, 255.25001, 255.252, 255.253, 255.257, 255.2575, 255.259, 255.28, 255.29, 255.30, 255.31, 255.32, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 255.555, 265.001, 265.2865, 267.061, 267.0625, 267.075, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.16, 272.161, 272.18, 272.185, 273.055, 281.02, 281.03, 281.06, 281.07, 281.08, 282.0041, 282.205, 282.604, 282.702, 282.703, 282.704, 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711, 283.30, 283.32, 284.01, 284.04, 284.05, 284.08, 284.33, 284.385, 284.42, 285.06, 285.14, 286.29, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, and 287.05721, F.S.; conforming provisions to changes made by the act; repealing s. 287.0573, F.S., relating to the Council on Efficient Government; amending ss. 287.0574, 287.076, 287.083, and 287.0834, F.S.; conforming provisions to changes made by the act; amending s. 287.084, F.S.; providing a preference in a competitive solicitation to vendors within this state under certain circumstances; amending ss. 287.0943, 287.09451, 287.131, 287.133, 287.134, 287.15, 287.151, 287.155, 287.16, 287.161, 287.17, 287.18, 287.19, 288.021, 288.109, 288.1092, 288.1093, 288.1185, 288.15, 288.17, 288.18, 288.703, 288.706, 288.708, 288.7091, 288.712, 288.901, 295.187, 318.18, 318.21, 320.0802, 320.08056, 321.04, 328.72, 337.02, 337.023, 337.165, 338.2216, 338.227, 350.0614, 350.125, 364.0135, 364.515, 364.516, 365.171, 365.172, 365.173, 373.4596, 373.461, 376.10, 377.703, 381.98, 394.9151, 395.1031, 400.121, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 401.245, 402.35, 402.50, 403.061, 403.42, 403.518, 403.5365, 403.7065, 403.714, 403.7145, 403.71852, 406.075, 408.039, 408.910, 413.036, 413.051, 414.37, 429.14, 440.2715, 440.45, 445.009, 447.205, 455.32, 471.038, 489.145, 553.995, 570.07, 627.096, 633.382, 650.02, 760.04, 766.302, 768.1326, 943.03, 943.0311, 943.13, 943.61, 943.66, 943.681, 944.02, 944.10, 944.115, 944.713, 944.72, 944.8041, 945.215, 946.504, 946.515, 946.525, 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, 957.16, 1001.27, 1001.42, 1001.705, 1001.706, 1001.74, 1002.36, 1002.37, 1004.58, 1012.33, 1012.34, 1012.61, 1012.796, 1012.865, 1012.875, 1013.03, 1013.23, s. 1013.30, and 1013.38, F.S.; conforming provision to changes made by the act; requiring that the Department of Environmental Protection coordinate the collection of certain information during the 2010-2011 fiscal year; requiring that state agencies submit such information on or before a specified deadline; requiring that the department submit a plan to centralize all real estate leasing and facilities operations and maintenance to the Executive Office of the Governor and Legislature on or before a specified date; requiring that such information be included in each agency's legislative budget request for the 2011-2012 fiscal year as a transfer to the Department of Asset Management; creating s. 20.51, F.S.; establishing the Department of Asset Management; transferring certain divisions and programs in the Department of Environmental Protection to the Department of Asset Management; providing effective dates.

—was read the second time by title.

Representative Hays offered the following:

(Amendment Bar Code: 441057)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Governor and Cabinet. The executive director of the department ~~Secretary of Management Services, who~~ shall be appointed by the Governor with the approval of each member of the Cabinet and~~,~~ subject to confirmation by the Senate, and shall serve at the pleasure of the Governor and Cabinet.

Section 2. Paragraph (b) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(4)

(b)1. To apply for an award under this section, the attorney for the prevailing small business party must submit an itemized affidavit to the court which first conducted the adversarial proceeding in the underlying action, or by electronic means through the division's website to the Division of Administrative Hearings, which shall assign an administrative law judge~~,~~ in the case of a proceeding pursuant to chapter 120, which affidavit shall reveal the nature and extent of the services rendered by the attorney as well as the costs incurred in preparations, motions, hearings, and appeals in the proceeding.

2. The application for an award of attorney's fees must be made within 60 days after the date that the small business party becomes a prevailing small business party.

Section 3. Subsection (13) of section 110.123, Florida Statutes, is repealed.

Section 4. Paragraph (b) of subsection (5) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(5) UNIFORM RULES.—

(b) The uniform rules of procedure adopted by the commission pursuant to this subsection shall include, but are not limited to:

1. Uniform rules for the scheduling of public meetings, hearings, and workshops.

2. Uniform rules for use by each state agency that provide procedures for conducting public meetings, hearings, and workshops, and for taking evidence, testimony, and argument at such public meetings, hearings, and workshops, in person and by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a public meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice for public meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations, if any, where communications media technology facilities will be available. Nothing in this paragraph shall be construed to diminish the right to inspect public records under chapter 119. Limiting points of access to public meetings, hearings, and workshops subject to the provisions of s. 286.011 to places not normally open to the public shall be presumed to violate the right of access of the public, and any official action taken under such circumstances is void and of no effect. Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, shall apply to public meetings, hearings, and workshops conducted by means of communications media technology, and shall be liberally construed in their application to such public meetings, hearings, and workshops. As used in this subparagraph, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

3. Uniform rules of procedure for the filing of notice of protests and formal written protests. The Administration Commission may prescribe the form and substantive provisions of a required bond.

4. Uniform rules of procedure for the filing of petitions for administrative hearings pursuant to s. 120.569 or s. 120.57. Such rules shall require the petition to include:

a. The identification of the petitioner, including the petitioner's e-mail address, if any, for the transmittal of subsequent documents by electronic means.

b. A statement of when and how the petitioner received notice of the agency's action or proposed action.

c. An explanation of how the petitioner's substantial interests are or will be affected by the action or proposed action.

d. A statement of all material facts disputed by the petitioner or a statement that there are no disputed facts.

e. A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action.

f. A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes.

g. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the proposed action.

5. Uniform rules for the filing of request for administrative hearing by a respondent in agency enforcement and disciplinary actions. Such rules shall require a request to include:

a. The name, address, e-mail address, and telephone number of the party making the request and the name, address, e-mail address, and telephone number of the party's counsel or qualified representative upon whom service of pleadings and other papers shall be made;

b. A statement that the respondent is requesting an administrative hearing and disputes the material facts alleged by the petitioner, in which case the respondent shall identify those material facts that are in dispute, or that the respondent is requesting an administrative hearing and does not dispute the material facts alleged by the petitioner; and

c. A reference by file number to the administrative complaint that the party has received from the agency and the date on which the agency pleading was received.

The agency may provide an election-of-rights form for the respondent's use in requesting a hearing, so long as any form provided by the agency calls for the information in sub-subparagraphs a. through c. and does not impose any additional requirements on a respondent in order to request a hearing, unless such requirements are specifically authorized by law.

6. Uniform rules of procedure for the filing and prompt disposition of petitions for declaratory statements. The rules shall also describe the contents of the notices that must be published in the Florida Administrative Weekly under s. 120.565, including any applicable time limit for the filing of petitions to intervene or petitions for administrative hearing by persons whose substantial interests may be affected.

7. Provision of a method by which each agency head shall provide a description of the agency's organization and general course of its operations. The rules shall require that the statement concerning the agency's organization and operations be published on the agency's website.

8. Uniform rules establishing procedures for granting or denying petitions for variances and waivers pursuant to s. 120.542.

Section 5. Paragraphs (c) and (d) of subsection (1) of section 120.56, Florida Statutes, are amended to read:

120.56 Challenges to rules.—

(1) GENERAL PROCEDURES FOR CHALLENGING THE VALIDITY OF A RULE OR A PROPOSED RULE.—

(c) The petition shall be filed by electronic means with the division, which shall, immediately upon filing, forward by electronic means copies to the agency whose rule is challenged, the Department of State, and the committee. Within 10 days after receiving the petition, the division director shall, if the petition complies with the requirements of paragraph (b), assign an administrative law judge who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties or for good cause shown. Evidence of good cause includes, but is not limited to, written notice of an agency's decision to modify or withdraw the proposed rule or a written notice from the chair of the committee stating that the committee will consider an objection to the rule at its next scheduled meeting. The failure of an agency to follow the applicable rulemaking procedures or requirements set forth in this chapter shall be presumed to be material; however, the agency may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.

(d) Within 30 days after the hearing, the administrative law judge shall render a decision and state the reasons therefor in writing. The division shall forthwith transmit by electronic means copies of the administrative law judge's decision to the agency, the Department of State, and the committee.

Section 6. Paragraph (a) of subsection (2) of section 120.569, Florida Statutes, is amended to read:

120.569 Decisions which affect substantial interests.—

(2)(a) Except for any proceeding conducted as prescribed in s. 120.56, a petition or request for a hearing under this section shall be filed with the agency. If the agency requests an administrative law judge from the division, it shall so notify the division by electronic means through the division's website within 15 days after receipt of the petition or request. A request for a hearing shall be granted or denied within 15 days after receipt. On the request of any agency, the division shall assign an administrative law judge with due regard to the expertise required for the particular matter. The referring agency shall take no further action with respect to a proceeding under s. 120.57(1), except as a party litigant, as long as the division has jurisdiction over the proceeding under s. 120.57(1). Any party may request the disqualification of the administrative law judge by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

Section 7. Paragraph (d) of subsection (3) of section 120.57, Florida Statutes, is amended to read:

120.57 Additional procedures for particular cases.—

(3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO CONTRACT SOLICITATION OR AWARD.—Agencies subject to this

chapter shall use the uniform rules of procedure, which provide procedures for the resolution of protests arising from the contract solicitation or award process. Such rules shall at least provide that:

(d)1. The agency shall provide an opportunity to resolve the protest by mutual agreement between the parties within 7 days, excluding Saturdays, Sundays, and state holidays, after receipt of a formal written protest.

2. If the subject of a protest is not resolved by mutual agreement within 7 days, excluding Saturdays, Sundays, and state holidays, after receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to subsection (2) and applicable agency rules before a person whose qualifications have been prescribed by rules of the agency.

3. If the subject of a protest is not resolved by mutual agreement within 7 days, excluding Saturdays, Sundays, and state holidays, after receipt of the formal written protest, and if there is a disputed issue of material fact, the agency shall refer the protest to the division by electronic means through the division's website for proceedings under subsection (1).

Section 8. Section 120.585, Florida Statutes, is created to read:

120.585 Electronic filing.—Any document filed with the division by a party represented by an attorney must be filed by electronic means through the division's website. Any document filed with the division by a party who is not represented by an attorney shall, whenever possible, be filed by electronic means through the division's website.

Section 9. Subsections (6) through (9) of section 216.023, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(6) As part of the legislative budget request, the head of each agency shall include an annual inventory of all wireless devices and expenditures, including the number of wireless devices by type, expenditures by type of device, total expenditures, a list of job classifications assigned a wireless device, and the steps taken to promote productivity and contain costs.

Section 10. Section 282.712, Florida Statutes, is created to read:

282.712 Statewide wireless communication utilization.—

(1) It is the intent of the Legislature that the expenditure of public funds on wireless communication devices shall be used to increase efficiency, accessibility, and productivity.

(2) In furtherance of the goal of increasing efficiency, accessibility, and productivity, agencies shall only assign cellular telephones, personal digital assistants, and other wireless communication devices to those employees who, as part of their official assigned duties, routinely must:

(a) Be immediately available to citizens, supervisors, or subordinates;

(b) Be available to respond to emergency situations;

(c) Be available to receive calls outside of regular working hours;

(d) Have access to the technology in order to productively perform job duties in the field; or

(e) Have limited or no access to a telephone, or have no ability to use a cellular phone, if needed.

(3) Agencies shall procure wireless communication devices and services using SUNCOM Network Services unless otherwise approved by the Department of Management Services. Agencies shall obtain an exemption from the use of SUNCOM Network Services prior to seeking approval to use a state term contract, an alternate source contract, or other procurement method. In seeking approval for an exemption, agencies shall provide a side by side comparison of costs and benefits and the reasons for deviating from SUNCOM Network Services. The department shall approve such requests only upon a finding that an exemption from the use of SUNCOM Network Services has been obtained pursuant to s. 282.703(3) and upon a finding that the cost-benefit analysis or agency justification supports the use of another procurement method.

(4) Agencies shall review wireless communication device expenditures to confirm that costs are associated with business purposes. Any costs associated with personal use of a wireless communication device by an employee shall be reimbursed to the agency by that employee.

Section 11. Centralized fleet management.—

(1) The Department of Management Services is directed to create, administer, and maintain a centralized fleet of state-owned motor vehicles.

(2) The department shall prepare a plan to centralize all state-owned motor vehicles that provides a method for:

(a) Assigning and administering motor vehicles to state agencies and employees.

(b) Managing a fleet of motor vehicles for short-term use.

(c) Charging state agencies for the use of a motor vehicle, including costs associated with vehicle replacement and operating costs.

(d) Purchasing motor vehicles necessary for the operation of the centralized fleet.

(e) Repairing and maintaining motor vehicles.

(f) Monitoring the use of motor vehicles and enforcing regulations regarding proper use.

(g) Maintaining records related to the operation and maintenance of motor vehicles and the administration of the fleet.

(h) Disposing of motor vehicles that are no longer necessary to maintain the fleet or for vehicles that are not used effectively as to establish motor cost savings.

(i) Determining when it would be cost-efficient to lease a motor vehicle from a third-party vendor instead of using a state-owned vehicle.

(3) In developing the plan, the department shall evaluate the costs and benefits of operating a centralized motor vehicle fleet compared to the costs and benefits of contracting with a third-party vendor for the operation of a centralized motor vehicle fleet.

(4) By November 1, 2010, the department shall submit the plan to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet.

Section 12. Subsections (1) and (8) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Any employee may, for any benefit that is ripe, due, and owing, file ~~by certified mail, or by electronic means approved by the Deputy Chief Judge,~~ with the Office of the Judges of Compensation Claims a petition for benefits which meets the requirements of this section and the definition of specificity in s. 440.02. An employee represented by an attorney shall file by electronic means approved by the Deputy Chief Judge. An employee not represented by an attorney may file by certified mail or by electronic means approved by the Deputy Chief Judge. The department shall inform employees of the location of the Office of the Judges of Compensation Claims and the office's website address for purposes of filing a petition for benefits. The employee shall also serve copies of the petition for benefits by certified mail, or by electronic means approved by the Deputy Chief Judge, upon the employer and the employer's carrier. The Deputy Chief Judge shall refer the petitions to the judges of compensation claims.

(8) Within 14 days after receipt of a petition for benefits by certified mail or by approved electronic means, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a response to petition with the Office of the Judges of Compensation Claims. The response shall be filed by electronic means approved by the Deputy Chief Judge. The carrier must list all benefits requested but not paid and explain its justification for nonpayment in the response to petition. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the response to the filing party, employer, and claimant by certified mail or by electronic means approved by the Deputy Chief Judge.

Section 13. Subsection (1) and paragraphs (a), (c), and (e) of subsection (4) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(1) Forty days after a petition for benefits is filed under s. 440.192, the judge of compensation claims shall notify the interested parties by order that a mediation conference concerning such petition has been scheduled unless the parties have notified the judge of compensation claims that a private mediation has been held or is scheduled to be held. A mediation, whether

private or public, shall be held within 130 days after the filing of the petition. Such order must give the date the mediation conference is to be held. Such order may be served personally upon the interested parties or may be sent to the interested parties by mail or by electronic means approved by the Deputy Chief Judge. If multiple petitions are pending, or if additional petitions are filed after the scheduling of a mediation, the judge of compensation claims shall consolidate all petitions into one mediation. The claimant or the adjuster of the employer or carrier may, at the mediator's discretion, attend the mediation conference by telephone or, if agreed to by the parties, other electronic means. A continuance may be granted upon the agreement of the parties or if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. Any order granting a continuance must set forth the date of the rescheduled mediation conference. A mediation conference may not be used solely for the purpose of mediating attorney's fees.

(4)(a) If the parties fail to agree to written submission of pretrial stipulations, the judge of compensation claims shall conduct a live pretrial hearing. The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the pretrial hearing by mail or by electronic means approved by the Deputy Chief Judge.

(c) The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the final hearing, served upon the interested parties by mail or by electronic means approved by the Deputy Chief Judge.

(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the Office of the Judges of Compensation Claims at Tallahassee. A copy of such compensation order shall be sent by mail or by electronic means approved by the Deputy Chief Judge to the ~~parties and~~ attorneys of record and any parties not represented by an attorney at the last known address of each, with the date of mailing noted thereon.

Section 14. Subsection (3) of section 440.29, Florida Statutes, is amended to read:

440.29 Procedure before the judge of compensation claims.—

(3) The practice and procedure before the judges of compensation claims shall be governed by rules adopted by the Office of the Judges of Compensation Claims ~~Supreme Court~~, except to the extent that such rules conflict with the provisions of this chapter.

Section 15. Subsection (4) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(4) The Office of the Judges of Compensation Claims shall adopt rules to effectuate ~~effect~~ the purposes of this section. Such rules shall include procedural rules applicable to workers' compensation claim resolution, including rules requiring electronic filing and service where deemed appropriate by the Deputy Chief Judge, and uniform criteria for measuring the performance of the office, including, but not limited to, the number of cases assigned and resolved ~~disposed~~, the age of pending and resolved ~~disposed~~ cases, timeliness of decisions ~~decisionmaking~~, extraordinary fee awards, and other data necessary for the judicial nominating commission to review the performance of judges as required in paragraph (2)(c). ~~The workers' compensation rules of procedure approved by the Supreme Court apply until the rules adopted by the Office of the Judges of Compensation Claims pursuant to this section become effective.~~

Section 16. Subsection (1) of section 552.40, Florida Statutes, is amended to read:

552.40 Administrative remedy for alleged damage due to the use of explosives in connection with construction materials mining activities.—

(1) A person may initiate an administrative proceeding to recover damages resulting from the use of explosives in connection with construction materials mining activities by filing a petition with the Division of Administrative Hearings by electronic means through the division's website on a form provided by it and accompanied by a filing fee of $100 within 180 days after the occurrence of the alleged damage. If the petitioner submits an affidavit stating that the petitioner's annual income is less than 150 percent of the applicable federal poverty guideline published in the Federal Register by the United States Department of Health and Human Services, the $100 filing fee must be waived.

Section 17. Paragraph (b) of subsection (4) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(4)

(b) Local governments may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for more stringent requirements than those specified in the Florida Building Code, not more than once every 6 months. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

4. The enforcing agency shall make readily available, in a usable format, all amendments adopted pursuant to this section.

5. Any amendment to the Florida Building Code shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.

6. Any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until the adoption by the commission of the new edition of the Florida Building Code every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (8)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment pursuant to the provisions of this paragraph.

7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If challenged, the local technical amendments shall not become effective until time for filing an appeal pursuant to subparagraph 8. has expired or, if there is an appeal, until the commission issues its final order determining the adopted amendment is in compliance with this subsection.

8. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission. Any such appeal shall be filed with the commission within 14 days of the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative

law judge. The administrative law judge shall conduct the required hearing within 30 days, and shall enter a recommended order within 30 days of the conclusion of such hearing. The commission shall enter a final order within 30 days thereafter. The provisions of chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this paragraph in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

9. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

10. In addition to subparagraphs 7. and 9., the commission may review any amendments adopted pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

Section 18. Paragraph (b) of subsection (4) of section 961.03, Florida Statutes, is amended to read:

961.03 Determination of status as a wrongfully incarcerated person; determination of eligibility for compensation.—

(4)

(b) If the prosecuting authority responds as set forth in paragraph (2)(b), and the court determines that the petitioner is eligible under the provisions of s. 961.04, but the prosecuting authority contests the nature, significance or effect of the evidence of actual innocence, or the facts related to the petitioner's alleged wrongful incarceration, the court shall set forth its findings and transfer the petition by electronic means through the division's website to the division for findings of fact and a recommended determination of whether the petitioner has established that he or she is a wrongfully incarcerated person who is eligible for compensation under this act.

Section 19. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to review of the Department of Management Services under the Florida Government Accountability Act; amending s. 20.22, F.S.; revising the governance of the Department of Management Services; amending ss. 57.111, 120.56, 120.569, 120.57, 552.40, 553.73, and 961.03, F.S.; providing for electronic filing and transmission procedures for certain actions, proceedings, and petitions; conforming provisions to changes made by the act; repealing s. 110.123(13), F.S., relating to creation and duties of the Florida State Employee Wellness Council; amending s. 120.54, F.S.; requiring a petitioner requesting an administrative hearing to include the petitioner's e-mail address; requiring the request for administrative hearing by a respondent to include the e-mail address of the party's counsel or qualified representative; creating s. 120.585, F.S.; requiring an attorney to use electronic means when filing a document with the Division of Administrative Hearings; encouraging a party not represented by an attorney to file documents whenever possible by electronic means through the division's website; amending s. 216.023, F.S.; requiring each agency head to provide an annual inventory of all wireless devices and expenditures containing specified information; creating s. 282.712, F.S.; providing legislative intent; providing requirements for the use of wireless communication devices by agency employees; providing requirements for the procurement of wireless communication devices and services by agencies; requiring the agency to conduct a review of wireless communication device expenditures; requiring reimbursement of costs associated with certain personal use of wireless communication devices by employees; requiring the department to create, administer, and maintain a centralized fleet of state-owned motor vehicles; requiring the department to prepare a plan to centralize the fleet; requiring the department to submit the plan to the Governor and the Legislature by a specified date; amending ss. 440.192 and 440.25, F.S.; providing and revising procedures for filing petitions for benefits and other documents in workers' compensation benefits proceedings to provide for electronic filing and transmission under certain circumstances; amending ss. 440.29 and 440.45, F.S.; authorizing the Office of the Judges of Compensation Claims to adopt rules for certain purposes; providing an effective date.

Rep. Hays moved the adoption of the amendment, which was adopted.

On motion by Rep. Hays, the rules were waived and CS for CS for SB 1238 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 684

Speaker Cretul in the Chair.

Yeas—117

Abruzzo	Evers	Legg	Rogers
Adams	Fetterman	Llorente	Rouson
Adkins	Fitzgerald	Long	Sachs
Ambler	Flores	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Fresen	McBurney	Schenck
Bembry	Frishe	McKeel	Schultz
Bernard	Galvano	Murzin	Schwartz
Bogdanoff	Garcia	Nehr	Skidmore
Bovo	Gibbons	Nelson	Snyder
Boyd	Gibson	O'Toole	Soto
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, N.
Burgin	Hasner	Poppell	Thurston
Bush	Hays	Porth	Tobia
Cannon	Heller	Precourt	Troutman
Carroll	Holder	Proctor	Van Zant
Chestnut	Homan	Rader	Waldman
Clarke-Reed	Hooper	Randolph	Weatherford
Coley	Horner	Ray	Weinstein
Cretul	Hudson	Reagan	Williams, A.
Crisafulli	Hukill	Reed	Williams, T.
Cruz	Jenne	Rehwinkel Vasilinda	Wood
Culp	Jones	Renuart	Workman
Domino	Kelly	Rivera	Zapata
Dorworth	Kiar	Robaina	
Drake	Kreegel	Roberson, K.	
Eisnaugle	Kriseman	Roberson, Y.	

Nays—None

Votes after roll call:
Yeas—Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1396—A bill to be entitled An act relating to incentive gain-time; amending s. 944.275, F.S.; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; providing an effective date.

—was read the second time by title.

Representative Adams offered the following:

(Amendment Bar Code: 127841)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Adams moved the adoption of the amendment, which was adopted.

On motion by Rep. Adams, the rules were waived and CS for SB 1396 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 685

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Fetterman	Llorente	Rouson
Adams	Fitzgerald	Long	Sachs
Adkins	Flores	Lopez-Cantera	Sands
Aubuchon	Ford	Mayfield	Saunders
Bembry	Fresen	McBurney	Schenck
Bernard	Frishe	McKeel	Schultz
Bogdanoff	Galvano	Murzin	Schwartz
Bovo	Garcia	Nehr	Skidmore
Boyd	Gibbons	Nelson	Snyder
Brandenburg	Gibson	O'Toole	Soto
Braynon	Glorioso	Pafford	Stargel
Brisé	Gonzalez	Patronis	Steinberg
Bullard	Grady	Patterson	Taylor
Burgin	Grimsley	Plakon	Thompson, N.
Bush	Hasner	Poppell	Thurston
Cannon	Hays	Porth	Tobia
Carroll	Heller	Precourt	Troutman
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Randolph	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hukill	Reagan	Williams, A.
Cruz	Jenne	Reed	Williams, T.
Culp	Jones	Rehwinkel Vasilinda	Wood
Domino	Kelly	Rivera	Workman
Dorworth	Kiar	Robaina	Zapata
Drake	Kreegel	Roberson, K.	
Eisnaugle	Kriseman	Roberson, Y.	
Evers	Legg	Rogers	

Nays—None

Votes after roll call:
Yeas—Ambler, Hudson, Renuart, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1436—A bill to be entitled An act relating to vehicle registration fees and surcharges; amending s. 320.04, F.S.; revising the service charge for each application that is handled in connection with the original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with the transfer or duplicate issuance of a registration certificate; deleting a provision requiring that a portion of the charge be deposited into the General Revenue Fund; amending s. 320.08046, F.S.; revising the amount of the surcharge that is levied on each license tax; revising the amount of the surcharge that is deposited into the General Revenue Fund; amending s. 320.203, F.S.; providing for certain registrants who paid biennial fees to receive a credit that is funded through the General Revenue Fund; providing for future expiration; providing an effective date.

—was read the second time by title.

Representative Glorioso offered the following:

(Amendment Bar Code: 636269)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Glorioso moved the adoption of the amendment, which was adopted.

On motion by Rep. Glorioso, the rules were waived and CS for SB 1436 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 686

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Evers	Kriseman	Roberson, K.
Adams	Fetterman	Legg	Roberson, Y.
Adkins	Fitzgerald	Llorente	Rogers
Ambler	Flores	Long	Rouson
Anderson	Ford	Lopez-Cantera	Sachs
Aubuchon	Fresen	Mayfield	Sands
Bernard	Frishe	McBurney	Saunders
Bogdanoff	Galvano	McKeel	Schenck
Bovo	Garcia	Murzin	Schultz
Boyd	Gibbons	Nehr	Schwartz
Brandenburg	Gibson	Nelson	Skidmore
Braynon	Glorioso	O'Toole	Snyder
Brisé	Gonzalez	Pafford	Soto
Bullard	Grady	Patronis	Stargel
Burgin	Grimsley	Patterson	Steinberg
Bush	Hasner	Plakon	Taylor
Cannon	Hays	Poppell	Thompson, N.
Carroll	Heller	Porth	Thurston
Chestnut	Holder	Precourt	Tobia
Clarke-Reed	Homan	Proctor	Troutman
Coley	Hooper	Rader	Van Zant
Cretul	Horner	Randolph	Waldman
Crisafulli	Hudson	Ray	Weatherford
Cruz	Hukill	Reagan	Weinstein
Culp	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel Vasilinda	Williams, T.
Dorworth	Kelly	Renuart	Wood
Drake	Kiar	Rivera	Workman
Eisnaugle	Kreegel	Robaina	Zapata

Nays—None

Votes after roll call:
Yeas—Bembry, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1442—A bill to be entitled An act relating to corporate license plates; creating s. 320.08052, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to create the Corporate License Plate Program and enter into certain agreements with certain entities; requiring that corporate license plates meet specified criteria and that certain aspects of such license plates be approved by the department; authorizing vehicle owners to apply for such license plates; requiring that specified minimum fees be paid by applicants and corporate sponsors for such applications; requiring that the department, upon approval of an application, issue the appropriate corporate plate to the vehicle owner along with a registration and decal valid for a specified period; providing for the distribution of fees collected; authorizing corporate sponsors to participate in the program by submitting a specified minimum initial application fee; requiring that a corporate sponsor meet specified eligibility requirements; requiring that the department adopt rules; providing an effective date.

—was read the second time by title.

Representative Glorioso offered the following:

(Amendment Bar Code: 292823)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Glorioso moved the adoption of the amendment, which was adopted.

On motion by Rep. Glorioso, the rules were waived and CS for SB 1442 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 687

Speaker Cretul in the Chair.

Yeas—111

Abruzzo	Evers	Kriseman	Roberson, Y.
Adams	Fetterman	Legg	Rogers
Adkins	Fitzgerald	Llorente	Sachs
Ambler	Flores	Long	Sands
Anderson	Ford	Lopez-Cantera	Saunders
Aubuchon	Fresen	Mayfield	Schenck
Bembry	Frishe	McBurney	Schultz
Bernard	Galvano	McKeel	Schwartz
Bogdanoff	Garcia	Murzin	Skidmore
Bovo	Gibbons	Nehr	Snyder
Boyd	Gibson	Nelson	Soto
Brandenburg	Glorioso	O'Toole	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Burgin	Grimsley	Plakon	Thompson, N.
Bush	Hays	Poppell	Thurston
Cannon	Heller	Porth	Tobia
Carroll	Holder	Precourt	Troutman
Chestnut	Homan	Proctor	Van Zant
Clarke-Reed	Hooper	Rader	Waldman
Coley	Horner	Randolph	Weatherford
Cretul	Hudson	Ray	Weinstein
Crisafulli	Hukill	Reagan	Williams, A.
Culp	Jenne	Reed	Williams, T.
Domino	Jones	Renuart	Wood
Dorworth	Kelly	Rivera	Workman
Drake	Kiar	Robaina	Zapata
Eisnaugle	Kreegel	Roberson, K.	

Nays—4

Bullard	Cruz	Pafford	Rehwinkel Vasilinda

Votes after roll call:
Yeas—Hasner
Nays—Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for CS for SB 1484—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with an entity for the provision of comprehensive behavioral health care services to certain Medicaid recipients who are not enrolled in a Medicaid managed care plan or a Medicaid provider service network under certain circumstances; requiring the agency to impose a fine against a person under contract with the agency who violates certain provisions; requiring an entity that contracts with the agency as a managed care plan to post a surety bond with the agency or maintain an account of a specified sum; requiring the agency to pursue the entity if the entity terminates the contract with the agency before the end date of the contract; amending s. 409.91211, F.S.; extending by 3 years the statewide implementation of an enhanced service delivery system for the Florida Medicaid program; providing for the expansion of the pilot project into counties that have two or more plans and the capacity to serve the designated population; requiring that the agency provide certain specified data to the recipient when selecting a capitated managed care plan; revising certain requirements for entities performing choice counseling for recipients; requiring the agency to provide behavioral health care services to Medicaid-eligible children; extending a date by which the behavioral health care services will be delivered to children; deleting a provision under which certain Medicaid recipients who are not currently enrolled in a capitated managed care plan upon implementation are not eligible for specified services for the amount of time that the recipients do not enroll in a capitated managed care network; authorizing the agency to extend the time to continue operation of the pilot program; requiring that the agency seek public input on extending and expanding the managed care pilot program and post certain information on its website; amending s. 409.9122, F.S.; providing that time allotted to any Medicaid recipient for the selection of, enrollment in, or disenrollment from a managed care plan or MediPass is tolled throughout any month in which the enrollment broker or choice counseling provider adversely affects a beneficiary's ability to access choice counseling or enrollment broker services by its failure to comply with the terms and conditions of its contract with the agency or has otherwise acted or failed to act in a manner that the agency deems likely to jeopardize its ability to perform certain assigned responsibilities; requiring the agency to incorporate certain provisions after a specified date in its contracts related to sanctions or fines for any action or the failure to act on the part of an enrollment broker or choice counselor provider; creating s. 624.35, F.S.; providing a short title; creating s. 624.351, F.S.; providing legislative intent; establishing the Medicaid and Public Assistance Fraud Strike Force within the Department of Financial Services to coordinate efforts to eliminate Medicaid and public assistance fraud; providing for membership; providing for meetings; specifying duties; requiring an annual report to the Legislature and Governor; creating s. 624.352, F.S.; directing the Chief Financial Officer to prepare model interagency agreements that address Medicaid and public assistance fraud; specifying which agencies can be a party to such agreements; amending s. 16.59, F.S.; conforming provisions to changes made by the act; requiring the Divisions of Insurance Fraud and Public Assistance Fraud in the Department of Financial Services to be collocated with the Medicaid Fraud Control Unit if possible; requiring positions dedicated to Medicaid managed care fraud to be collocated with the Division of Insurance Fraud; amending s. 20.121, F.S.; establishing the Division of Public Assistance Fraud within the Department of Financial Services; amending ss. 411.01, 414.33, and 414.39, F.S.; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 943.401, F.S.; directing the Department of Financial Services rather than the Department of Law Enforcement to investigate public assistance fraud; directing the Auditor General and the Office of Program Policy Analysis and Government Accountability to review the Medicaid fraud and abuse processes in the Agency for Health Care Administration; requiring a report to the Legislature and Governor by a certain date; establishing the Medicaid claims adjudication project in the Agency for Health Care Administration to decrease the incidence of inaccurate payments and to improve the efficiency of the Medicaid claims processing system; transferring activities relating to public assistance fraud from the Department of Law Enforcement to the Division of Public Assistance Fraud in the Department of Financial Services by a type two transfer; providing effective dates.

—was read the second time by title.

Representative Grimsley offered the following:

(Amendment Bar Code: 851299)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Grimsley moved the adoption of the amendment, which was adopted.

On motion by Rep. Grimsley, the rules were waived and CS for CS for SB 1484 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 688

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Eisnaugle	Legg	Roberson, Y.
Adams	Evers	Llorente	Rogers
Adkins	Fetterman	Long	Rouson
Ambler	Fitzgerald	Lopez-Cantera	Sachs
Anderson	Ford	Mayfield	Sands
Aubuchon	Fresen	McBurney	Saunders
Bembry	Frishe	McKeel	Schenck
Bernard	Galvano	Murzin	Schultz
Bogdanoff	Garcia	Nehr	Schwartz
Bovo	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Snyder
Brandenburg	Glorioso	Pafford	Soto
Braynon	Gonzalez	Patronis	Stargel
Brisé	Grady	Patterson	Steinberg
Bullard	Grimsley	Plakon	Taylor
Burgin	Hays	Poppell	Thompson, N.
Bush	Heller	Porth	Thurston
Cannon	Holder	Precourt	Tobia
Carroll	Homan	Proctor	Troutman
Chestnut	Hooper	Rader	Van Zant
Clarke-Reed	Horner	Randolph	Waldman
Coley	Hudson	Ray	Weatherford
Cretul	Hukill	Reagan	Weinstein
Crisafulli	Jenne	Reed	Williams, A.
Cruz	Jones	Rehwinkel Vasilinda	Williams, T.
Culp	Kelly	Renuart	Wood
Domino	Kiar	Rivera	Workman
Dorworth	Kreegel	Robaina	Zapata
Drake	Kriseman	Roberson, K.	

Nays—None

Votes after roll call:
Yeas—Hasner, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1508—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S.; removing the Division of Dairy Industry within the department; amending s. 570.29, F.S.; removing the Division of Dairy Industry, to conform, and adding licensing as a division within the department; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry, respectively; amending s. 570.50, F.S.; adding the inspection of dairy farms, milk plants, and milk product plants and other specified functions to the duties of the Division of Food Safety within the department; reenacting s. 570.18, F.S., relating to the organization of the Department of Agriculture and Consumer Services, to incorporate the amendments made to s. 570.29, F.S., in a reference thereto; amending s. 570.531, F.S.; providing for the Market Improvements Working Capital Trust Fund within the Department of Agriculture and Consumer Services to be the depository for funds collected by agricultural marketing facilities; deleting provisions limiting the use of trust fund moneys to certain costs associated with agricultural marketing facilities; amending s. 589.08, F.S.; deleting a requirement that the Division of Forestry within the Department of Agriculture and Consumer Services pay a portion of the gross receipts from state forests to certain fiscally constrained counties for use by the counties for school purposes; repealing s. 589.081, F.S., relating to payment of a portion of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to certain fiscally constrained counties; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 450161)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Poppell moved the adoption of the amendment, which was adopted.

On motion by Rep. Poppell, the rules were waived and CS for SB 1508 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 689

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Eisnaugle	Llorente	Rouson
Adams	Evers	Long	Sachs
Adkins	Fetterman	Lopez-Cantera	Sands
Ambler	Fitzgerald	Mayfield	Saunders
Anderson	Ford	McBurney	Schenck
Aubuchon	Fresen	McKeel	Schultz
Bembry	Frishe	Murzin	Schwartz
Bernard	Galvano	Nehr	Skidmore
Bogdanoff	Garcia	Nelson	Snyder
Bovo	Gibbons	O'Toole	Soto
Boyd	Gibson	Pafford	Stargel
Brandenburg	Glorioso	Patronis	Steinberg
Braynon	Gonzalez	Patterson	Taylor
Brisé	Grady	Plakon	Thompson, N.
Bullard	Grimsley	Poppell	Thurston
Burgin	Hays	Porth	Tobia
Bush	Heller	Precourt	Troutman
Cannon	Holder	Proctor	Van Zant
Carroll	Homan	Rader	Waldman
Chestnut	Hooper	Ray	Weatherford
Clarke-Reed	Horner	Reagan	Weinstein
Coley	Hudson	Reed	Williams, A.
Cretul	Hukill	Rehwinkel Vasilinda	Williams, T.
Crisafulli	Jenne	Renuart	Wood
Cruz	Jones	Rivera	Workman
Culp	Kelly	Robaina	Zapata
Domino	Kreegel	Roberson, K.	
Dorworth	Kriseman	Roberson, Y.	
Drake	Legg	Rogers	

Nays—None

Votes after roll call:
Yeas—Hasner, Kiar, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1510—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.07, F.S.; revising the location of the executive offices of the Department of Citrus; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 290757)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Poppell moved the adoption of the amendment, which was adopted.

On motion by Rep. Poppell, the rules were waived and CS for SB 1510 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 690

Speaker Cretul in the Chair.

Yeas—113

Abruzzo	Evers	Long	Rouson
Adams	Fetterman	Lopez-Cantera	Sachs
Adkins	Fitzgerald	Mayfield	Sands
Ambler	Ford	McBurney	Saunders
Anderson	Fresen	McKeel	Schenck
Aubuchon	Frishe	Murzin	Schultz
Bembry	Garcia	Nehr	Schwartz
Bernard	Gibbons	Nelson	Skidmore
Bogdanoff	Gibson	O'Toole	Snyder
Bovo	Glorioso	Pafford	Soto
Boyd	Gonzalez	Patronis	Stargel
Brandenburg	Grady	Patterson	Steinberg
Braynon	Grimsley	Plakon	Taylor
Brisé	Hays	Poppell	Thompson, N.
Bullard	Heller	Porth	Thurston
Burgin	Holder	Precourt	Tobia
Bush	Homan	Proctor	Troutman
Carroll	Hooper	Rader	Van Zant
Chestnut	Horner	Randolph	Waldman
Clarke-Reed	Hudson	Ray	Weatherford
Coley	Hukill	Reagan	Weinstein
Cretul	Jenne	Reed	Williams, A.
Crisafulli	Jones	Rehwinkel Vasilinda	Williams, T.
Cruz	Kelly	Renuart	Wood
Culp	Kiar	Rivera	Workman
Domino	Kreegel	Robaina	Zapata
Dorworth	Kriseman	Roberson, K.	
Drake	Legg	Roberson, Y.	
Eisnaugle	Llorente	Rogers	

Nays—None

Votes after roll call:
Yeas—Hasner, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1514—A bill to be entitled An act relating to recreational licenses; amending ss. 379.3511 and 379.352, F.S.; exempting the shoreline fishing license from a charge imposed to compensate the subagent or tax collector issuing the license; authorizing the subagent or tax collector to retain a portion of certain other license proceeds; amending s. 379.354, F.S.; removing the fee for an annual resident shoreline fishing license; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 814761)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Poppell moved the adoption of the amendment, which was adopted.

On motion by Rep. Poppell, the rules were waived and CS for SB 1514 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 691

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Eisnaugle	Legg	Roberson, Y.
Adams	Evers	Llorente	Rouson
Adkins	Fetterman	Long	Sachs
Ambler	Fitzgerald	Lopez-Cantera	Sands
Anderson	Ford	Mayfield	Saunders
Aubuchon	Fresen	McBurney	Schenck
Bembry	Frishe	McKeel	Schultz
Bernard	Galvano	Murzin	Schwartz
Bogdanoff	Garcia	Nehr	Skidmore
Bovo	Gibbons	Nelson	Snyder
Boyd	Gibson	O'Toole	Soto
Brandenburg	Glorioso	Pafford	Stargel
Braynon	Gonzalez	Patronis	Steinberg
Brisé	Grady	Patterson	Taylor
Bullard	Grimsley	Plakon	Thompson, N.
Burgin	Hays	Poppell	Thurston
Bush	Heller	Porth	Tobia
Cannon	Holder	Precourt	Troutman
Carroll	Homan	Proctor	Van Zant
Chestnut	Hooper	Rader	Waldman
Clarke-Reed	Horner	Randolph	Weatherford
Coley	Hudson	Ray	Weinstein
Cretul	Hukill	Reagan	Williams, A.
Crisafulli	Jenne	Reed	Williams, T.
Cruz	Jones	Rehwinkel Vasilinda	Wood
Culp	Kelly	Renuart	Workman
Domino	Kiar	Rivera	Zapata
Dorworth	Kreegel	Robaina	
Drake	Kriseman	Roberson, K.	

Nays—None

Votes after roll call:
Yeas—Hasner, Rogers, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for CS for SB 1516—A bill to be entitled An act relating to state-owned lands; amending s. 193.023, F.S.; requiring the property appraiser to physically inspect any parcel of taxable or state-owned real property upon the request of the taxpayer or owner; amending s. 193.085, F.S.; removing provisions requiring the Department of Revenue to notify property appraisers of state ownership of real property; requiring local governments to notify property appraisers of lands owned by the local government; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the Department of Environmental Protection regarding state-owned lands; amending s. 216.0152, F.S.; requiring the Division of State Lands in the Department of Environmental Protection rather than the Department of Management Services to develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state; requiring that the facilities inventory data be provided to the department on or before a specified date each year by

the owning or operating state agency; requiring that the Department of Transportation identify and dispose of surplus property pursuant to ss. 337.25 and 339.04, F.S.; requiring the division to adopt rules; directing the department to update its inventory with information concerning the physical condition of facilities that have 3,000 square feet or more of usable space; requiring the department to submit an annual report to the Governor and Legislature which lists the state-owned real property recommended for disposition; amending s. 253.03, F.S.; requiring the Department of Revenue to furnish, in electronic form, annual current tax roll data for public lands to the Board of Trustees of the Internal Improvement Trust Fund to be used in compiling the inventory of public lands; requiring the board to use tax roll data from the Department of Revenue to assist in the identification and confirmation of publicly held lands; amending s. 253.034, F.S.; removing provisions relating to an inventory of public lands, including federal lands, within the state; requiring that a building or parcel of land be offered for lease to state agencies, state universities, and community colleges before being offered for lease, sublease, or sale to a local or federal unit of government or a private party; requiring that priority consideration for such a lease be given to state universities and community colleges; requiring that a state university or community college submit a plan regarding the intended use of such building or parcel of land for review and approval by the Board of Trustees of the Internal Improvement Trust Fund before approval of a lease; providing that priority consideration be given to the University of South Florida Polytechnic for the lease of vacant land and buildings located at the G. Pierce Wood facility in DeSoto County; providing for future expiration; creating the comprehensive state-owned real property system; directing the Department of Environmental Protection to create, administer, operate, and maintain a comprehensive system for all state lands and real property leased, owned, rented, or otherwise occupied or maintained by any state agency or the judicial branch; providing for a database of all real property owned or leased by the state; requiring all state agencies to enter required real property information into the comprehensive state-owned real property system; describing the principal objectives of the comprehensive state-owned real property system; setting forth the timeframes in which the department must complete the comprehensive state-owned real property system; requiring the department to report to the Governor and Legislature by a specified date; providing for an executive steering committee for management of the comprehensive state-owned real property system; describing the composition of the executive steering committee; setting forth the responsibilities of the executive steering committee; creating a project management team to work under the direction of the executive steering committee; requiring the project management team to be headed by a full-time project manager and to consist of senior managers and personnel appointed by members of the executive steering committee; setting forth the responsibilities of the project management team; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 273829)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. The Legislature finds that the management of state-owned real property requires a comprehensive integrated inventory system to support decisionmaking processes, including, but not limited to, dispositions. This comprehensive database will serve as the authoritative inventory repository for state-owned facilities and publicly owned lands data that is collected through various agency operations in disparate systems. The comprehensive database must provide agencies owning property, the public, and state policy makers with ready access to an integrated view of collected information and, wherever operationally feasible and cost effective, replace any duplicative state property databases. The initial objective for the database is establishing an integrated inventory of the state-owned real property data from the Department of Environmental Protection, the Department of Management Services, and the Department of Revenue and to collect operating costs and occupancy data from state agencies, while considering future developments to include leased lands and facilities data used by the Department of Financial Services and the Department of Management Services. The new database must optimize the use of existing data collection processes and minimize imposing new collection and reporting requirements where adequate existing data sources are available and must incorporate interfaces for tax roll data collected under statutory authorities by the Department of Revenue from the county property appraisers and other sources. The Legislature therefore intends to promote the development, maintenance, and use of the database through a coordinated interagency effort that leverages existing resources and processes to minimize costs and impacts on agencies owning property and county property appraisers.

Section 2. Subsection (2) of section 193.023, Florida Statutes, is amended to read:

193.023 Duties of the property appraiser in making assessments.—

(2) In making his or her assessment of the value of real property, the property appraiser is required to physically inspect the property at least once every 5 years. Where geographically suitable, and at the discretion of the property appraiser, the property appraiser may use image technology in lieu of physical inspection to ensure that the tax roll meets all the requirements of law. The Department of Revenue shall establish minimum standards for the use of image technology consistent with standards developed by professionally recognized sources for mass appraisal of real property. However, the property appraiser shall physically inspect any parcel of taxable or state-owned real property upon the request of the taxpayer or owner.

Section 3. Paragraph (a) of subsection (3) of section 193.085, Florida Statutes, is amended to read:

193.085 Listing all property.—

(3)(a) ~~The department will coordinate with all other departments of state government to ensure that the several property appraisers are properly notified annually of state ownership of real property. The department shall promulgate regulations to ensure that~~ All forms of local government, special taxing districts, multicounty districts, and municipalities must provide each year written notification to ~~properly notify annually the several~~ property appraisers of any and all real property owned by any of them so that ownership of all such property will be properly listed.

Section 4. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to ss. 253.03(8) and 253.0325 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 5. Subsections (1) and (2) of section 216.0152, Florida Statutes, are amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.—

(1) The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state or by the judicial branch~~, except those with less than 3,000 square feet~~. The inventory data shall be provided by the owning or operating agency and shall include the location, occupying agency, ownership, size, condition assessment, valuations, operating costs, maintenance record, age, parking and employee facilities, building use, full-time equivalent occupancy, known restrictions or historic designations including conservation land status, leases or subleases and associated revenues, and other information as required by the department. The department shall use such data for determining maintenance needs, conducting strategic analyses, including, but not limited to, candidates for surplus, and life-cycle cost evaluations of the facility. Beginning July 1, 2011, and each July 1 thereafter, inventory information shall be provided to

the department by the owning or operating agency in a format prescribed by the department. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency or by the judicial branch. The term "facility," as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. The Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Board of Governors of the State University System and the Department of Education, respectively, shall develop and maintain an inventory, in the manner prescribed by the Department of Management Services, of all state university and community college facilities and shall make the data available in a format acceptable to the Department of Management Services.

(2) For purposes of assessing needed repairs and renovations of facilities, the Department of Management Services shall update its inventory with condition information for facilities of 3,000 square feet or more and cause to be updated the other inventories required by subsection (1) at least once every 5 years, but the inventories shall record acquisitions of new facilities and significant changes in existing facilities as they occur. The Department of Management Services shall provide each agency and the judicial branch with the most recent inventory applicable to that agency or to the judicial branch. Each agency and the judicial branch shall, in the manner prescribed by the Department of Management Services, report significant changes in the inventory as they occur. Items relating to the condition and life-cycle cost of a facility shall be updated at least every 5 years.

Section 6. Subsection (8) of section 253.03, Florida Statutes, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(8)(a) The Board of Trustees of the Internal Improvement Trust Fund shall prepare, using tax roll data provided by the Department of Revenue as supplied by the counties, an annual inventory of all publicly owned lands within the state. Such inventory shall include all lands owned by any unit of state government or local government; by the Federal Government, to the greatest extent possible; and by any other public entity. ~~The board shall submit a summary report of the inventory and a list of major discrepancies between the inventory and the tax roll data to the President of the Senate and the Speaker of the House of Representatives on or before March 1 of each year.~~

(b) The Department of Environmental Protection shall maintain a comprehensive database of all state-owned real property. The database shall be available to the public in an electronic format and be complete and operational by March 31, 2011. The database shall be used by agencies when analyzing candidates for real property acquisition, use consolidation, or disposition. The Department of Management Services shall direct agency entries of facility data and analysis as identified in s. 216.0152(1) for the statewide database.

(c)~~(b)~~ In addition to any other parcel data available, the inventory shall include a legal description or proper reference thereto, the number of acres or square feet within the boundaries, and the assessed value of all publicly owned uplands. To the greatest extent practicable, the legal description or proper reference thereto and the number of acres or square feet shall be determined for all publicly owned submerged lands. For the purposes of this subsection, the term "submerged lands" means publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state. ~~By October 31 of each year, the Department of Revenue shall furnish, in machine-readable form, annual, current tax roll data for public lands to the board to be used in compiling the inventory.~~

(d)1.~~(c)~~ Beginning September 30, 2011, and each September 30 thereafter, the Department of Revenue shall furnish to the board, in electronic form, current tax roll data for public lands to be used in compiling the inventory.

2. By November 30 ~~By December 31~~ of each year, the board shall prepare and provide to each state agency and local government and any other public entity which holds title to real property, including any water management district, drainage district, navigation district, or special taxing district, a list of the real property owned by such entity, required to be listed on county assessment rolls, using tax roll data provided by the Department of Revenue.

3. By January ~~March~~ 31 of the following year, each such entity shall review its list and inform the appropriate property appraiser of any corrections to the list. The appropriate county property appraiser ~~Department of Revenue~~ shall provide for entering such corrections on the appropriate county tax roll.

(e) The board shall use tax roll data, which shall be provided by the Department of Revenue, to assist in the identification and confirmation of publicly held lands. Lands held by the state or a water management district and lands purchased by the state, a state agency, or a water management district deemed not essential or unnecessary for conservation purposes shall be subject to review by the board for surplus sale. New data requirements may not be imposed upon property appraisers solely for the comprehensive database.

(f)~~(d)~~ Whenever real property is listed on the real property assessment rolls of the respective counties in the name of the State of Florida or any of its agencies, the listing shall not be changed in the absence of a recorded deed executed by the State of Florida or the state agency in whose name the property is listed. If, in preparing the assessment rolls, the ~~several~~ property appraisers within the state become aware of the existence of a recorded deed not executed by the state and purporting to convey real property listed on the assessment rolls as state-owned, the property appraiser shall immediately forward a copy of the recorded deed to the state agency in whose name the property is listed.

(g) Wherever operationally feasible and cost effective, when the comprehensive database is available, agencies shall retire any duplicative state property databases.

Section 7. Subsection (8) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(8)(a) ~~Notwithstanding other provisions of this section, the Division of State Lands is directed to prepare a state inventory of all federal lands and all lands titled in the name of the state, a state agency, a water management district, or a local government on a county-by-county basis. To facilitate the development of the state inventory, each county shall direct the appropriate county office with authority over the information to provide the division with a county inventory of all lands identified as federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government.~~ The Legislature recognizes the value of the state's conservation lands as water recharge areas and air filters and, in an effort to better understand the scientific underpinnings of carbon sequestration, carbon capture, and greenhouse gas mitigation, to inform policymakers and decisionmakers, and to provide the infrastructure for landowners, the Division of State Lands shall contract with an organization experienced and specialized in carbon sinks and emission budgets to conduct an inventory of all lands that were acquired pursuant to Preservation 2000 and Florida Forever and that were titled in the name of the Board of Trustees of the Internal Improvement Trust Fund. The inventory shall determine the value of carbon capture and carbon sequestration. Such inventory shall consider potential carbon offset values of changes in land management practices, including, but not limited to, replanting of trees, routine prescribed burns, and land use conversion. Such an inventory shall be completed and presented to the board of trustees by July 1, 2009.

~~(b) The state inventory must distinguish between lands purchased by the state or a water management district as part of a core parcel or within original project boundaries, as those terms are used to meet the surplus requirements of subsection (6), and lands purchased by the state, a state agency, or a water management district which are not essential or necessary for conservation purposes.~~

~~(c) In any county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer which is contiguous to a county having a population of 75,000 or fewer, in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of the state or a state agency which are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the state's surplusing process. Rights-of-way for existing, proposed, or anticipated~~

~~transportation facilities are exempt from the requirements of this paragraph. Priority consideration shall be given to buyers, public or private, willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.~~

(b)~~(d)~~ If state-owned lands are subject to annexation procedures, the Division of State Lands must notify the county legislative delegation of the county in which the land is located.

Section 8. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to state-owned real property; providing legislative findings; amending s. 193.023, F.S.; requiring assessments of state-owned real property upon request; amending s. 193.085, F.S.; deleting an agency coordination requirement for the Department of Revenue; requiring annual written notification from local governments to property appraisers; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the Department of Environmental Protection; amending s. 216.0152, F.S.; revising requirements for the Department of Management Services to develop inventories of state-owned or state-occupied facilities; amending s. 253.03, F.S.; requiring the Department of Environmental Protection to maintain a comprehensive database of state-owned land; providing requirements; specifying duties of the Department of Management Services; requiring the Department of Revenue to provide certain tax roll data to the Board of Trustees of the Internal Improvement Trust Fund for certain purposes; requiring the board of trustees to use tax roll data for certain purposes; requiring the board to review certain lands for surplus sales; prohibiting imposition of new data requirements on property appraisers for certain purposes; requiring agencies to retire duplicative state property databases under certain circumstances; amending s. 253.034, F.S.; deleting requirements for the Division of State Lands to prepare state inventories of certain federal, state, and local lands; deleting inventory requirements; providing an effective date.

Rep. Poppell moved the adoption of the amendment, which was adopted.

On motion by Rep. Poppell, the rules were waived and CS for CS for SB 1516 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 692

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Clarke-Reed	Glorioso	Long
Adams	Coley	Gonzalez	Lopez-Cantera
Adkins	Cretul	Grady	Mayfield
Ambler	Crisafulli	Grimsley	McBurney
Anderson	Cruz	Hays	McKeel
Aubuchon	Culp	Heller	Murzin
Bembry	Domino	Holder	Nehr
Bernard	Dorworth	Homan	Nelson
Bogdanoff	Drake	Hooper	O'Toole
Bovo	Eisnaugle	Horner	Pafford
Boyd	Evers	Hudson	Patronis
Brandenburg	Fetterman	Hukill	Patterson
Braynon	Fitzgerald	Jenne	Plakon
Brisé	Ford	Jones	Poppell
Bullard	Fresen	Kelly	Porth
Burgin	Frishe	Kiar	Precourt
Bush	Galvano	Kreegel	Proctor
Cannon	Garcia	Kriseman	Rader
Carroll	Gibbons	Legg	Randolph
Chestnut	Gibson	Llorente	Ray
Reagan	Rouson	Soto	Waldman
Reed	Sachs	Stargel	Weatherford
Rehwinkel Vasilinda	Sands	Steinberg	Weinstein
Renuart	Saunders	Taylor	Williams, A.
Rivera	Schenck	Thompson, N.	Williams, T.
Robaina	Schultz	Thurston	Wood
Roberson, K.	Schwartz	Tobia	Workman
Roberson, Y.	Skidmore	Troutman	Zapata
Rogers	Snyder	Van Zant	

Nays—None

Votes after roll call:
Yeas—Hasner, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1592—A bill to be entitled An act relating to fiscally constrained counties; amending s. 218.12, F.S.; providing for the determination by a fiscally constrained county of the reduction in ad valorem revenues resulting from the implementation of a provision of the State Constitution; amending s. 218.075, F.S.; requiring the Department of Environmental Protection and the water management districts to reduce or waive permit processing fees for an entity created by special act or local ordinance or interlocal agreement not included within a metropolitan statistical area; providing an effective date.

—was read the second time by title.

Representative Hays offered the following:

(Amendment Bar Code: 638171)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Hays moved the adoption of the amendment, which was adopted.

On motion by Rep. Hays, the rules were waived and CS for SB 1592 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 693

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Coley	Gonzalez	Mayfield
Adams	Cretul	Grady	McBurney
Adkins	Crisafulli	Grimsley	McKeel
Ambler	Cruz	Hays	Murzin
Anderson	Culp	Heller	Nehr
Aubuchon	Domino	Holder	Nelson
Bembry	Dorworth	Homan	O'Toole
Bernard	Drake	Hooper	Pafford
Bogdanoff	Eisnaugle	Horner	Patronis
Bovo	Evers	Hudson	Patterson
Boyd	Fetterman	Hukill	Plakon
Brandenburg	Fitzgerald	Jenne	Poppell
Braynon	Flores	Jones	Porth
Brisé	Ford	Kelly	Precourt
Bullard	Fresen	Kiar	Proctor
Burgin	Frishe	Kreegel	Rader
Bush	Galvano	Kriseman	Randolph
Cannon	Garcia	Legg	Ray
Carroll	Gibbons	Llorente	Reagan
Chestnut	Gibson	Long	Reed
Clarke-Reed	Glorioso	Lopez-Cantera	Rehwinkel Vasilinda

Renuart	Sands	Stargel	Waldman
Rivera	Saunders	Steinberg	Weatherford
Robaina	Schenck	Taylor	Weinstein
Roberson, K.	Schultz	Thompson, N.	Williams, A.
Roberson, Y.	Schwartz	Thurston	Williams, T.
Rogers	Skidmore	Tobia	Wood
Rouson	Snyder	Troutman	Workman
Sachs	Soto	Van Zant	Zapata

Nays—None

Votes after roll call:
Yeas—Hasner, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 1646—A bill to be entitled An act relating to regional workforce boards; amending s. 445.007, F.S.; prohibiting board members and their relatives from contracting with or having a financial interest in a contract with the regional workforce board on which the member serves; requiring a member who is employed by or who receives remuneration from a contracting entity to abstain from voting on a contract with that entity; requiring the chief elected officers within a region to approve the appointment of any executive director to the staff of a regional workforce board; providing that the chairperson of a regional workforce board is subject to confirmation by the Senate; prohibiting workforce boards from expending federal or state funds for the purpose of providing meals, food, or beverages or recreational activities and entertainment for board members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Agency for Workforce Innovation, except as expressly authorized by state law; authorizing the reimbursement of certain expenses; providing an effective date.

—was read the second time by title.

Representative Glorioso offered the following:

(Amendment Bar Code: 356871)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Glorioso moved the adoption of the amendment, which was adopted.

On motion by Rep. Glorioso, the rules were waived and CS for SB 1646 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 694

Speaker Cretul in the Chair.

Yeas—115

Abruzzo	Brisé	Domino	Gibbons
Adams	Bullard	Dorworth	Gibson
Adkins	Burgin	Drake	Glorioso
Ambler	Bush	Eisnaugle	Gonzalez
Anderson	Cannon	Evers	Grady
Aubuchon	Carroll	Fetterman	Grimsley
Bembry	Chestnut	Fitzgerald	Hays
Bernard	Clarke-Reed	Flores	Holder
Bogdanoff	Coley	Ford	Homan
Bovo	Cretul	Fresen	Hooper
Boyd	Crisafulli	Frishe	Horner
Brandenburg	Cruz	Galvano	Hudson
Braynon	Culp	Garcia	Hukill
Jenne	O'Toole	Rivera	Steinberg
Jones	Pafford	Robaina	Taylor
Kelly	Patronis	Roberson, K.	Thompson, N.
Kiar	Patterson	Roberson, Y.	Thurston
Kreegel	Plakon	Rogers	Tobia
Kriseman	Poppell	Rouson	Troutman
Legg	Porth	Sachs	Van Zant
Llorente	Precourt	Sands	Waldman
Long	Proctor	Saunders	Weatherford
Lopez-Cantera	Rader	Schenck	Weinstein
Mayfield	Randolph	Schultz	Williams, A.
McBurney	Ray	Schwartz	Williams, T.
McKeel	Reagan	Skidmore	Wood
Murzin	Reed	Snyder	Workman
Nehr	Rehwinkel Vasilinda	Soto	Zapata
Nelson	Renuart	Stargel	

Nays—None

Votes after roll call:
Yeas—Hasner, Heller, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 2020—A bill to be entitled An act relating to information technology; amending s. 14.204, F.S.; revising the duties and responsibilities of the Agency for Enterprise Information Technology; amending s. 282.201, F.S.; requiring the Agency for Enterprise Information Technology to make annual recommendations to the Legislature regarding the migration to a statewide e-mail service and the consolidation of purchasing certain commodities and services; amending s. 282.203, F.S.; specifying the contents of financial statements that must be provided by primary data centers; establishing a quorum for a data center board of trustees; providing additional duties for the board of trustees; amending s. 282.204, F.S.; deleting obsolete provisions relating to the Northwood Shared Resource Center; amending s. 282.315, F.S.; providing an additional duty for the Agency Chief Information Officers Council relating to the consolidated purchase of information technology products; amending s. 282.34, F.S.; revising provisions relating to statewide e-mail services; providing the primary goals for the service; providing for the establishment of a multiagency team to solicit proposals for a statewide service by a certain date; specifying the requirements for competitive solicitation; requiring the Agency for Enterprise Information Technology to submit a business plan for the services; requiring the plan to include agency lifecycle costs; requiring all state agencies to have migrated to the statewide service by a certain date; providing for agency exceptions to the schedule; requiring the Agency for Enterprise Information Technology to submit an implementation plan to the Governor and Legislature by a certain date; directing the agency to adopt rules; repealing s. 408.0615, F.S., relating to the establishment of a secure facility protecting data held by the Agency for Health Care Administration; amending s. 17 of chapter 2008-116, Laws of Florida; revising the date for transferring data center functions to a primary data center; amending s. 282.0041, F.S.; defining the terms "SUNCOM Network" and "telecommunications"; amending s. 282.702, F.S.; revising the powers and duties of the Department of Management Services with respect to telecommunications services; requiring that the department establish policies with respect to financial accounting and submit an annual report to the Governor and Legislature; amending s. 282.703, F.S.; revising provisions relating to the SUNCOM Network; authorizing the department to establish standards for addresses and numbers and to maintain a directory; requiring a state primary data center to use SUNCOM services; amending s. 282.707, F.S.; requiring customers served by the department to review the qualifications of subscribers using the SUNCOM Network; requiring the Children's Legal Service and judiciary to use Florida Safe Families Network for child welfare case management; authorizing additional positions and providing an appropriation; providing an effective date.

—was read the second time by title.

Representative Hays offered the following:

(Amendment Bar Code: 773415)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Hays moved the adoption of the amendment, which was adopted.

On motion by Rep. Hays, the rules were waived and CS for SB 2020 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 695

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Eisnaugle	Kriseman	Roberson, K.
Adams	Evers	Legg	Roberson, Y.
Adkins	Fetterman	Llorente	Rogers
Ambler	Fitzgerald	Long	Rouson
Anderson	Flores	Lopez-Cantera	Sachs
Aubuchon	Ford	Mayfield	Sands
Bembry	Fresen	McBurney	Saunders
Bernard	Frishe	McKeel	Schenck
Bogdanoff	Galvano	Murzin	Schultz
Bovo	Garcia	Nehr	Schwartz
Boyd	Gibbons	Nelson	Skidmore
Brandenburg	Gibson	O'Toole	Snyder
Braynon	Glorioso	Pafford	Soto
Brisé	Gonzalez	Patronis	Stargel
Bullard	Grady	Patterson	Steinberg
Burgin	Grimsley	Plakon	Taylor
Bush	Hays	Poppell	Thompson, N.
Cannon	Heller	Porth	Thurston
Carroll	Holder	Precourt	Tobia
Chestnut	Homan	Proctor	Troutman
Clarke-Reed	Hooper	Rader	Van Zant
Coley	Horner	Randolph	Waldman
Cretul	Hudson	Ray	Weatherford
Crisafulli	Hukill	Reagan	Weinstein
Cruz	Jenne	Reed	Williams, A.
Culp	Jones	Rehwinkel Vasilinda	Williams, T.
Domino	Kelly	Renuart	Wood
Dorworth	Kiar	Rivera	Workman
Drake	Kreegel	Robaina	Zapata

Nays—None

Votes after roll call:
Yeas—Hasner, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 2024—A bill to be entitled An act relating to the tax on communications and utility services; amending s. 202.12, F.S.; decreasing the rate at which the sales price of certain communications services are taxed; amending s. 202.125, F.S., relating to exemptions from the tax; inserting a cross-reference to conform to changes made by the act; amending s. 203.01, F.S.; imposing an additional tax on certain communications services at a specified rate; providing for an exemption to apply to such tax; requiring that the tax on communications services be included on bills dated on or after a specified date; amending s. 215.61, F.S.; requiring that the State Board of Education make specified adjustments to the figures used by the board in determining the amount of bond debt that can be serviced by revenues derived from the gross receipts tax on utility services; requiring that such adjustment be based on a specified assumption; deleting a provision requiring the deduction of amounts used for debt service when determining fiscal sufficiency; authorizing a dealer of communications services to state the combined rate of certain taxes on a bill for a taxable communications services under certain circumstances; authorizing the Department of Revenue to adopt emergency rules to promulgate forms and instructions; providing for the act to apply to bills for communications services dated on or after a certain date; providing an effective date.

—was read the second time by title.

Representative Proctor offered the following:

(Amendment Bar Code: 766227)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Proctor moved the adoption of the amendment, which was adopted.

On motion by Rep. Proctor, the rules were waived and CS for SB 2024 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 696

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Eisnaugle	Kriseman	Roberson, K.
Adams	Evers	Legg	Roberson, Y.
Adkins	Fetterman	Llorente	Rogers
Ambler	Fitzgerald	Long	Rouson
Anderson	Flores	Lopez-Cantera	Sachs
Aubuchon	Ford	Mayfield	Sands
Bembry	Fresen	McBurney	Saunders
Bernard	Frishe	McKeel	Schenck
Bogdanoff	Galvano	Murzin	Schultz
Bovo	Garcia	Nehr	Schwartz
Boyd	Gibbons	Nelson	Skidmore
Brandenburg	Gibson	O'Toole	Snyder
Braynon	Glorioso	Pafford	Soto
Brisé	Gonzalez	Patronis	Stargel
Bullard	Grady	Patterson	Steinberg
Burgin	Grimsley	Plakon	Taylor
Bush	Hays	Poppell	Thompson, N.
Cannon	Heller	Porth	Thurston
Carroll	Holder	Precourt	Tobia
Chestnut	Homan	Proctor	Troutman
Clarke-Reed	Hooper	Rader	Van Zant
Coley	Horner	Randolph	Waldman
Cretul	Hudson	Ray	Weatherford
Crisafulli	Hukill	Reagan	Weinstein
Cruz	Jenne	Reed	Williams, A.
Culp	Jones	Rehwinkel Vasilinda	Williams, T.
Domino	Kelly	Renuart	Wood
Dorworth	Kiar	Rivera	Workman
Drake	Kreegel	Robaina	Zapata

Nays—None

Votes after roll call:
Yeas—Hasner, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 2374—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; establishing the state's monthly contributions for employees who have individual coverage and for employees who have family coverage; requiring that the Division of State Group Insurance within the Department of Management Services establish a state

employee health clinic pilot program; requiring the division to select a vendor to establish and manage at least one full-scope health and wellness clinic that will provide specified services to members of the State Group Health Insurance Program; requiring that the vendor provide the start-up costs associated with the pilot program; requiring that the vendor staff and manage the clinic, subvendors, and integrated services providers; requiring that the pilot program commence by a specified date; requiring that the Department of Management Services submit an evaluation of the pilot program to the Governor and the Legislature by a specified date; providing that the term of the contract be for only the 2011 plan year; requiring the Division of State Group Insurance to contract for postpayment claims review services for the State Group Insurance Program; requiring that all payments made under the contract be paid from overpayment amounts identified and recovered by the vendor; directing the Division of State Group Insurance to contract for dependent eligibility verification services for the State Group Insurance Program; providing a limitation on compensation to the contract vendor; requiring subscribers of the State Group Insurance Program to provide documentation validating eligibility of dependents; authorizing a grace period to document eligibility; authorizing the division to seek indemnification from subscribers having ineligible dependents; providing an effective date.

—was read the second time by title.

Representative Hays offered the following:

(Amendment Bar Code: 674563)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

T I T L E A M E N D M E N T

Remove the entire title and insert:

Rep. Hays moved the adoption of the amendment, which was adopted.

On motion by Rep. Hays, the rules were waived and CS for SB 2374 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 697

Speaker Cretul in the Chair.

Yeas—116

Abruzzo	Cruz	Homan	Patterson
Adams	Culp	Hooper	Plakon
Adkins	Domino	Horner	Poppell
Ambler	Dorworth	Hudson	Porth
Anderson	Drake	Hukill	Precourt
Aubuchon	Eisnaugle	Jenne	Proctor
Bembry	Evers	Jones	Rader
Bernard	Fetterman	Kelly	Randolph
Bogdanoff	Fitzgerald	Kiar	Ray
Bovo	Flores	Kreegel	Reagan
Boyd	Ford	Kriseman	Reed
Brandenburg	Fresen	Legg	Rehwinkel Vasilinda
Braynon	Frishe	Llorente	Renuart
Brisé	Galvano	Long	Rivera
Bullard	Garcia	Lopez-Cantera	Robaina
Burgin	Gibbons	Mayfield	Roberson, K.
Bush	Gibson	McBurney	Roberson, Y.
Cannon	Glorioso	McKeel	Rogers
Carroll	Gonzalez	Murzin	Rouson
Chestnut	Grady	Nehr	Sachs
Clarke-Reed	Hasner	Nelson	Sands
Coley	Hays	O'Toole	Saunders
Cretul	Heller	Pafford	Schenck
Crisafulli	Holder	Patronis	Schultz
Schwartz	Steinberg	Troutman	Williams, A.
Skidmore	Taylor	Van Zant	Williams, T.
Snyder	Thompson, N.	Waldman	Wood
Soto	Thurston	Weatherford	Workman
Stargel	Tobia	Weinstein	Zapata

Nays—None

Votes after roll call:
Yeas—Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

CS for SB 2386—A bill to be entitled An act relating to state financial matters; amending s. 17.29, F.S.; authorizing the Chief Financial Officer to adopt rules requiring that payments made by the state for goods, services, or anything of value be made by electronic means; requiring that the rules include methods for accommodating persons who may not be able to receive payment by electronic means; authorizing the Chief Financial Officer to make payments by warrant if administratively necessary; amending s. 43.16, F.S.; conforming a cross-reference; amending s. 215.322, F.S.; conforming provisions to changes made by the act to authorize state agencies, local governments, and the judicial branch to accept payments by electronic funds transfers; providing for the adoption of rules to facilitate such payments and to accommodate persons who may not be able to make payments by electronic means; authorizing the Chief Financial Officer to adopt rules establishing uniform security safeguards for cardholder data; creating s. 215.971, F.S.; requiring that the Chief Financial Officer adopt and disseminate uniform minimum procedures to state agencies for agreements that provide state or federal financial assistance to a recipient or subrecipient; amending s. 216.3475, F.S.; requiring an agency that is awarded funding on a noncompetitive basis for certain services as specified in the General Appropriations Act to maintain specified documentation supporting a cost analysis; amending s. 287.056, F.S.; specifying the provisions to be included in state agency purchasing agreements; amending s. 287.057, F.S.; removing certain types of services from an exception to the competitive bid requirements for the purchase of contractual services; providing that certain types of health care services are except from competitive bid requirements for the purchase of contractual services; requiring that an agency document compliance with s. 216.3475, F.S., if the purchase of contractual services exceeds a certain amount and the services are not competitively procured; requiring that an agency's contract manager attend training regarding accountability in contracts and grant management; providing for uniform procedures that the Chief Financial Officer must establish and disseminate to state agencies; subjecting users of certain state term contracts to a transaction or user fee; amending s. 287.0571, F.S.; conforming a cross-reference; amending s. 287.058, F.S.; revising provisions regarding contracts for services; specifying provisions to be included in such contracts; amending ss. 295.187, 394.47865, 402.40, 402.7305, 408.045, 427.0135, and 570.07, F.S.; conforming cross-references; requiring state agencies to provide specified information to the Department of Financial Services relating to the purchase of commodities or services; requiring state agencies to review and renegotiate contract renewals and reprocurements in an effort to reduce contract payments; requiring the Executive Office of the Governor to place savings from the renegotiation of contract renewals or reprocurements in reserve; restricting funding for travel by state employees; requiring that certain travel be approved in writing by the agency head; providing exceptions; requiring each state agency to review its contracts to ensure that contractors comply with applicable preferred-pricing clauses; requiring certain contracts containing a preferred-pricing clause to require that the contractor submit an affidavit attesting to the contractor's compliance with the clause; defining the term "preferred-pricing clause"; providing an appropriation to the Department of Financial Services and authorizing additional full-time equivalent positions; providing an effective date.

—was read the second time by title.

Representative Hays offered the following:

(Amendment Bar Code: 452313)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Effective July 1, 2010, section 17.20, Florida Statutes, is amended to read:

17.20 Assignment of claims for collection.—

(1) The Chief Financial Officer shall charge the state attorneys with the collection of all claims that are placed in their hands for collection of money or property for the state or any county or special district, or that it otherwise requires them to collect. The charges are evidence of indebtedness of a state attorney against whom any charge is made for the full amount of the claim, until the charges have been collected and paid into the treasury of the state or of the county or special district or the legal remedies of the state have been exhausted, or until the state attorney demonstrates to the Chief Financial Officer that the failure to collect the charges is not due to negligence and the Chief Financial Officer has made a proper entry of satisfaction of the charge against the state attorney.

(2) The Chief Financial Officer may assign the collection of any claim to a collection agent or agents who are ~~is~~ registered and in good standing pursuant to chapter 559, if the Chief Financial Officer determines the assignation to be cost-effective. The Chief Financial Officer may ~~pay an agent from any amount collected under the claim a fee that the Chief Financial Officer and the agent have agreed upon; may authorize the agent to deduct the fee from the amount collected; may require the appropriate state agency, county, or special district to pay the agent the fee from any amount collected by the agent on its behalf; or may~~ authorize the agent or agents to add a ~~the~~ fee to the amount to be collected.

(3) Each agency shall be responsible for exercising due diligence in securing full payment of all accounts receivable and other claims due the state.

(a) No later than 120 days after the date on which the account or other claim was due and payable, unless another period is approved by the Chief Financial Officer, and after exhausting other lawful measures available to the agency, each agency shall report the delinquent accounts receivable as directed by the Chief Financial Officer to the appropriate collection agent for further action, excluding those agencies that collect delinquent accounts with independent statutory authority.

(b) An agency that has delinquent accounts receivable, which the agency considers to be of a nature that assignment to a collection agency would be inappropriate, may request in writing for an exemption for those accounts. The request shall fully explain the nature of the delinquent accounts receivable and the reasons the agency believes such accounts would be precluded from being assigned to a collection agency. The Chief Financial Officer shall disapprove the request in writing unless the agency shows that a demonstrative harm to the state will occur as a result of assignment to a collection agency.

(c) Agencies that have delinquent accounts receivable, which accounts are of such a nature that it would not be appropriate to transfer collection of those delinquent accounts to the Chief Financial Officer within 120 days after the date they are due and payable, may request in writing a different period of time for transfer of collection of such accounts. The request shall fully explain the nature of the delinquent accounts receivable and include a recommendation as to an appropriate period.

(4) Beginning October 1, 2010, and each October 1 thereafter, each agency shall submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer that shall include:

(a) A detailed list and total of all accounts that were referred for collection and the status of such accounts, including the date referred, any amounts collected, and the total that remains uncollected.

(b) A list and total of all delinquent accounts that were not referred to a collection agency, the reasons for not referring those accounts, and the actions taken by the agency to collect.

(c) A list of all accounts or claims, including a description and the total amount of each account or claim, that were written off or waived by the agency for any reason during the prior fiscal year, the reason for being written off, and whether any of those accounts continue to be pursued by a collection agent.

(5) Beginning December 1, 2010, and each December 1 thereafter, the Chief Financial Officer shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that details the following information for any contracted collection agent:

(a) The amount of claims referred for collection by each agency, cumulatively and annually.

(b) The number of accounts by age and amount.

(c) A listing of those agencies that failed to report known claims to the Chief Financial Officer in a timely manner as prescribed in subsection (3).

(d) The total amount of claims collected, cumulatively and annually.

(6)~~(3)~~ Notwithstanding any other provision of law, in any contract providing for the location or collection of unclaimed property, the Chief Financial Officer may authorize the contractor to deduct its fees and expenses for services provided under the contract from the unclaimed property that the contractor has recovered or collected under the contract. The Chief Financial Officer shall annually report to the Governor, President of the Senate, and the Speaker of the House of Representatives the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.

Section 2. Section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—As used in this part, the term:

(1) "Agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges.

(2) "Agency head" means, with respect to an agency headed by a collegial body, the executive director or chief administrative officer of the agency.

(3) "Artistic services" ~~"Artist"~~ means the rendering by a contractor of its time and effort to create or perform an artistic work in the fields ~~an individual or group of individuals who profess and practice a demonstrated creative talent and skill in the area~~ of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio, or tape and sound recording ~~or in any other related field~~.

(4) "Best value" means the highest overall value to the state based on objective factors that include, but are not limited to, price, quality, design, and workmanship.

(5) "Commodity" means any of the various supplies, materials, goods, merchandise, food, equipment, information technology, and other personal property, including a mobile home, trailer, or other portable structure with floor space of less than 5,000 square feet, purchased, leased, or otherwise contracted for by the state and its agencies. "Commodity" also includes interest on deferred-payment commodity contracts approved pursuant to s. 287.063 entered into by an agency for the purchase of other commodities. However, commodities purchased for resale are excluded from this definition. ~~Further, a prescribed drug, medical supply, or device required by a licensed health care provider as a part of providing health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration for clients at the time the service is provided is not considered to be a "commodity."~~ Printing of publications shall be considered a commodity when let upon contract pursuant to s. 283.33, whether purchased for resale or not.

(6) "Competitive solicitation ~~sealed bids,~~" ~~"competitive sealed proposals," or "competitive sealed replies"~~ means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement ~~and includes bids, proposals, or replies transmitted by electronic means in lieu of or in addition to written bids, proposals, or replies~~.

~~(7) "Competitive solicitation" or "solicitation" means an invitation to bid, a request for proposals, or an invitation to negotiate.~~

(7)~~(8)~~ "Contractor" means a person who contracts to sell commodities or contractual services to an agency.

(8)~~(9)~~ "Contractual service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to chapter 255 and rules adopted thereunder.

(9)~~(10)~~ "Department" means the Department of Management Services.

(10)~~(11)~~ "Electronic posting" or "electronically post" means the noticing ~~posting~~ of solicitations, agency decisions or intended decisions, or other matters relating to procurement on a centralized Internet website designated by the department for this purpose.

(11)~~(12)~~ "Eligible user" means any person or entity authorized by the department pursuant to rule to purchase from state term contracts or to use the online procurement system.

(12)~~(13)~~ "Exceptional purchase" means any purchase of commodities or contractual services excepted by law or rule from the requirements for competitive solicitation, including, but not limited to, purchases from a single source; purchases upon receipt of less than two responsive bids, proposals, or replies; purchases made by an agency, after receiving approval from the department, from a contract procured, pursuant to s. 287.057(1), ~~(2), or (3),~~ or by another agency; and purchases made without advertisement in the manner required by s. 287.042(3)(b).

(13)~~(14)~~ "Extension" means an increase in the time allowed for the contract period due to circumstances which, without fault of either party, make performance impracticable or impossible, or which prevent a new contract from being executed, with or without a proportional increase in the total dollar amount, with any increase to be based on the method and rate previously established in the contract.

(14)~~(15)~~ "Information technology" has the meaning ascribed in s. 282.0041.

(15)~~(16)~~ "Invitation to bid" means a written or electronically posted solicitation for competitive sealed bids. ~~The invitation to bid is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is electronically posted.~~

(16)~~(17)~~ "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. ~~The invitation to negotiate is used when the agency determines that negotiations may be necessary for the state to receive the best value. A written solicitation includes a solicitation that is electronically posted.~~

(17)~~(18)~~ "Minority business enterprise" has the meaning ascribed in s. 288.703.

(18)~~(19)~~ "Office" means the Office of Supplier Diversity of the Department of Management Services.

(19) "Outsource" means the process of contracting with a vendor to provide a service as defined in s. 216.011(1)(f), in whole or in part, or an activity as defined in s. 216.011(1)(rr), while a state agency retains the responsibility and accountability for the service or activity and there is a transfer of management responsibility for the delivery of resources and the performance of those resources.

(20) "Renewal" means contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

(21) "Request for information" means a written or electronically posted request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract.

(22) "Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals. ~~The request for proposals is used when it is not practicable for the agency to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the agency is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is electronically posted.~~

(23) "Request for a quote" means an oral or written request for written pricing or services information from a state term contract vendor for commodities or contractual services available on a state term contract from that vendor.

(24) "Responsible vendor" means a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.

(25) "Responsive bid," "responsive proposal," or "responsive reply" means a bid, or proposal, or reply submitted by a responsive and responsible vendor that conforms in all material respects to the solicitation.

(26) "Responsive vendor" means a vendor that has submitted a bid, proposal, or reply that conforms in all material respects to the solicitation.

(27) "State term contract" means a term contract that is competitively procured by the department pursuant to s. 287.057 and that is used by agencies and eligible users pursuant to s. 287.056.

(28) "Term contract" means an indefinite quantity contract to furnish commodities or contractual services during a defined period.

Section 3. Section 287.017, Florida Statutes, is amended to read:

287.017 Purchasing categories, threshold amounts~~; procedures for automatic adjustment by department~~.—

~~(1)~~ The following purchasing categories are hereby created:

(1)~~(a)~~ CATEGORY ONE: $20,000 ~~$15,000~~.

(2)~~(b)~~ CATEGORY TWO: $35,000 ~~$25,000~~.

(3)~~(c)~~ CATEGORY THREE: $65,000 ~~$50,000~~.

(4)~~(d)~~ CATEGORY FOUR: $195,000 ~~$150,000~~.

(5)~~(e)~~ CATEGORY FIVE: $325,000 ~~$250,000~~.

~~(2) The department shall adopt rules to adjust the amounts provided in subsection (1) based upon the rate of change of a nationally recognized price index. Such rules shall include, but not be limited to, the following:~~

~~(a) Designation of the nationally recognized price index or component thereof used to calculate the proper adjustment authorized in this section.~~

~~(b) The procedure for rounding results.~~

~~(c) The effective date of each adjustment based upon the previous calendar year data.~~

Section 4. Section 287.045, Florida Statutes, is repealed.

Section 5. Section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(1) PROCUREMENT PROCESSES.—The competitive solicitation processes authorized in this section shall be used for procurement of commodities or contractual services in excess of the threshold amount provided for CATEGORY TWO in s. 287.017. Any competitive solicitation shall be made available simultaneously to all vendors, must include the time and date for the receipt of bids, proposals, or replies and of the public opening, and must include all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability and relative merit of the bid, proposal, or reply.

(a) Invitation to bid.—The invitation to bid shall be used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required.

1. All invitations to bid must include:

a. A detailed description of the commodities or contractual services sought; and

b. If the agency contemplates renewal of the contract, a statement to that effect.

2. Bids submitted in response to an invitation to bid in which the agency contemplates renewal of the contract must include the price for each year for which the contract may be renewed.

3. Evaluation of bids shall include consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

(b) Request for proposals.—An agency shall use a request for proposals when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables. Various combinations or versions of commodities or contractual services may be proposed by a responsive vendor to meet the specifications of the solicitation document.

1. Before issuing a request for proposals, the agency must determine and specify in writing the reasons that procurement by invitation to bid is not practicable.

2. All requests for proposals must include:

a. A statement describing the commodities or contractual services sought;

b. The relative importance of price and other evaluation criteria; and

c. If the agency contemplates renewal of the contract, a statement to that effect.

3. Criteria that will be used for evaluation of proposals shall include, but are not limited to:

a. Price, which must be specified in the proposal;

b. If the agency contemplates renewal of the contract, the price for each year for which the contract may be renewed; and

c. Consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

4. The contract shall be awarded by written notice to the responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.

(c) Invitation to negotiate.—The invitation to negotiate is a solicitation used by an agency intended to determine the best method for achieving a specific goal or solving a particular problem and that identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value.

1. Before issuing an invitation to negotiate, the head of an agency must determine and specify in writing the reasons that procurement by either an invitation to bid or a request for proposal is not practicable.

2. The invitation to negotiate must describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the solicitation.

3. The criteria that will be used for determining the acceptability of the reply and guiding the selection of the vendors with which the agency will negotiate must be specified.

4. The agency shall evaluate replies against all evaluation criteria set forth in the invitation to negotiate, in order to establish a competitive range of replies reasonably susceptible of award. The agency may select one or more vendors within the competitive range with which to commence negotiations. After negotiations are conducted, the agency shall award the contract to the responsible and responsive vendor that the agency determines will provide the best value to the state, based on the selection criteria.

5. The contract file for a vendor selected through an invitation to negotiate must contain a short plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, with an explanation of how these deliverables and price provide the best value to the state.

~~(1)(a) Unless otherwise authorized by law, all contracts for the purchase of commodities or contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO shall be awarded by competitive sealed bidding. An invitation to bid shall be made available simultaneously to all vendors and must include a detailed description of the commodities or contractual services sought; the time and date for the receipt of bids and of the public opening; and all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability of the bid. If the agency contemplates renewal of the contract, that fact must be stated in the invitation to bid. The bid shall include the price for each year for which the contract may be renewed. Evaluation of bids shall include consideration of the total cost for each year as submitted by the vendor. Criteria that were not set forth in the invitation to bid may not be used in determining acceptability of the bid.~~

~~(b) The contract shall be awarded with reasonable promptness by written notice to the responsible and responsive vendor that submits the lowest responsive bid. This bid must be determined in writing to meet the requirements and criteria set forth in the invitation to bid.~~

~~(2)(a) If an agency determines in writing that the use of an invitation to bid is not practicable, commodities or contractual services shall be procured by competitive sealed proposals. A request for proposals shall be made available simultaneously to all vendors, and must include a statement of the commodities or contractual services sought; the time and date for the receipt of proposals and of the public opening; and all contractual terms and conditions applicable to the procurement, including the criteria, which shall include, but need not be limited to, price, to be used in determining acceptability of the proposal. The relative importance of price and other evaluation criteria shall be indicated. If the agency contemplates renewal of the commodities or contractual services contract, that fact must be stated in the request for proposals. The proposal shall include the price for each year for which the contract may be renewed. Evaluation of proposals shall include consideration of the total cost for each year as submitted by the vendor.~~

~~(b) The contract shall be awarded to the responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and the other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.~~

~~(3)(a) If the agency determines in writing that the use of an invitation to bid or a request for proposals will not result in the best value to the state, the agency may procure commodities and contractual services by competitive sealed replies. The agency's written determination must specify reasons that explain why negotiation may be necessary in order for the state to achieve the best value and must be approved in writing by the agency head or his or her designee prior to the advertisement of an invitation to negotiate. An invitation to negotiate shall be made available to all vendors simultaneously and must include a statement of the commodities or contractual services sought; the time and date for the receipt of replies and of the public opening; and all terms and conditions applicable to the procurement, including the criteria to be used in determining the acceptability of the reply. If the agency contemplates renewal of the contract, that fact must be stated in the invitation to negotiate. The reply shall include the price for each year for which the contract may be renewed.~~

~~(b) The agency shall evaluate and rank responsive replies against all evaluation criteria set forth in the invitation to negotiate and shall select, based on the ranking, one or more vendors with which to commence negotiations. After negotiations are conducted, the agency shall award the contract to the responsible and responsive vendor that the agency determines will provide the best value to the state. The contract file must contain a short plain statement that explains the basis for vendor selection and that sets forth the vendor's deliverables and price, pursuant to the contract, with an explanation of how these deliverables and price provide the best value to the state.~~

(2)~~(4)~~ Prior to the time for receipt of bids, proposals, or replies, an agency may conduct a conference or written question and answer period for purposes of assuring the vendor's full understanding of the solicitation requirements. The vendors shall be accorded fair and equal treatment.

(3)~~(5)~~ When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies. However, such emergency procurement shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in

the contract file, unless the agency determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the state. The agency shall furnish copies of all written determinations certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Chief Financial Officer with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(b) The purchase is made by an agency from a state term contract procured, pursuant to this section, by the department or by an agency, after receiving approval from the department, from a contract procured, pursuant to subsection (1), ~~subsection (2), or subsection (3),~~ by another agency.

(c) Commodities or contractual services available only from a single source may be excepted from the competitive-solicitation requirements. When an agency believes that commodities or contractual services are available only from a single source, the agency shall electronically post a description of the commodities or contractual services sought for a period of at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the agency, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the agency shall:

1. Provide notice of its intended decision to enter a single-source purchase contract in the manner specified in s. 120.57(3), if the amount of the contract does not exceed the threshold amount provided in s. 287.017 for CATEGORY FOUR.

2. Request approval from the department for the single-source purchase, if the amount of the contract exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR. The agency shall initiate its request for approval in a form prescribed by the department, which request may be electronically transmitted. The failure of the department to approve or disapprove the agency's request for approval within 21 days after receiving such request shall constitute prior approval of the department. If the department approves the agency's request, the agency shall provide notice of its intended decision to enter a single-source contract in the manner specified in s. 120.57(3).

(d) When it is in the best interest of the state, the secretary of the department or his or her designee may authorize the Support Program to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

(e) Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are excepted from competitive-solicitation requirements and shall be procured pursuant to an established fee schedule or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall annually file with the department a description of the purchases and methods of procurement.

(f) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services. For the purposes of this subsection, the term "artistic services" does not include advertising or typesetting. As used in this subparagraph, the term "advertising" means the making of a representation in any form in connection with a trade, business, craft, or profession in order to promote the supply of commodities or services by the person promoting the commodities or contractual services.

2. Academic program reviews.

3. Lectures by individuals.

4. Auditing services.

5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

6. Health services involving examination, diagnosis, treatment, prevention, or medical consultation, when such services are offered to eligible individuals participating in a specific program that qualifies multiple providers and utilizes a standard payment methodology ~~or administration~~.

~~7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.~~

7.~~8.~~ Medicaid services delivered to an eligible Medicaid recipient unless the agency is directed otherwise in law ~~by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency~~.

8.~~9.~~ Family placement services.

~~10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.~~

9.~~11.~~ Training and education services provided to injured employees pursuant to s. 440.491(6).

10.~~12.~~ Contracts entered into pursuant to s. 337.11.

11.~~13.~~ Services or commodities provided by governmental agencies.

(g) Continuing education events or programs that are offered to the general public and for which fees have been collected that pay all expenses associated with the event or program are exempt from requirements for competitive solicitation.

(4)~~(6)~~ If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the department or other agency may negotiate on the best terms and conditions. The department or other agency shall document the reasons that such action is in the best interest of the state in lieu of resoliciting competitive sealed bids, proposals, or replies. Each agency shall report all such actions to the department on a quarterly basis, in a manner and form prescribed by the department.

(5)~~(7)~~ Upon issuance of any solicitation, an agency shall, upon request by the department, forward to the department one copy of each solicitation for all commodity and contractual services purchases in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO. An agency shall also, upon request, furnish a copy of all competitive-solicitation tabulations. The Office of Supplier Diversity may also request from the agencies any information submitted to the department pursuant to this subsection.

(6)~~(8)~~(a) In order to strive to meet the minority business enterprise procurement goals set forth in s. 287.09451, an agency may reserve any contract for competitive solicitation only among certified minority business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for solicitation only among certified minority business enterprises. This reservation may only be used when it is determined, by reasonable and objective means, before the solicitation that there are capable, qualified certified minority business enterprises available to submit a bid, proposal, or reply on a contract to provide for effective competition. The Office of Supplier Diversity shall consult with any agency in reaching such determination when deemed appropriate.

(b) Before a contract may be reserved for solicitation only among certified minority business enterprises, the agency head must find that such a reservation is in the best interests of the state. All determinations shall be subject to s. 287.09451(5). Once a decision has been made to reserve a contract, but before sealed bids, proposals, or replies are requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids, proposals, or replies

received are over this estimate, the agency may reject the bids, proposals, or replies and request new ones from certified minority business enterprises, or the agency may reject the bids, proposals, or replies and reopen the bidding to all eligible vendors.

(c) All agencies shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for vendors as determined appropriate pursuant to guidelines established in accordance with s. 287.09451(4) to increase the participation of minority business enterprises.

(d) All agencies shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the minority business enterprise purchasing goals in s. 287.09451.

(7)~~(9)~~ An agency may reserve any contract for competitive solicitation only among vendors who agree to use certified minority business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified minority business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the vendor shall identify those certified minority business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified minority business enterprises used in the contract.

(8)~~(10)~~ An agency shall not divide the solicitation ~~procurement~~ of commodities or contractual services so as to avoid the requirements of subsections (1)-(3) ~~(1) through (5)~~.

(9)~~(11)~~ A contract for commodities or contractual services may be awarded without competition if state or federal law prescribes with whom the agency must contract or if the rate of payment is established during the appropriations process.

(10)~~(12)~~ If two equal responses to a solicitation or a request for quote are received and one response is from a certified minority business enterprise, the agency shall enter into a contract with the certified minority business enterprise.

(11)~~(13)~~ Extension of a contract for contractual services shall be in writing for a period not to exceed 6 months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the contractor.

(12)~~(14)~~(a) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (3)~~(5)~~(a) and (c) may not be renewed. With the exception of subsection (11)~~(13)~~, if a contract amendment results in a longer contract term or increased payments, a state agency may not renew or amend a contract for the outsourcing of a service or activity that has an original term value exceeding the sum of $10 million before submitting a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment.

(b) The Department of Health shall enter into an agreement, not to exceed 20 years, with a private contractor to finance, design, and construct a hospital, of no more than 50 beds, for the treatment of patients with active tuberculosis and to operate all aspects of daily operations within the facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the facility. The department shall begin the implementation of this initiative by July 1, 2008. This paragraph expires July 1, 2009.

(c) In addition to any renewal authorized under paragraph (a), contracts for community-based care lead agency services in accordance with s. 409.1671(1)(e) may be renewed once for a term not to exceed 5 years, provided that the lead agency currently under contract is in compliance with the performance, fiscal, and administrative standards established by the Department of Children and Family Services and the agency head determines that renewal of the contract without a competitive solicitation is in the best interests of the children and families served.

(13)~~(15)~~ For each contractual services contract, the agency shall designate an employee to function as contract manager who shall be responsible for enforcing performance of the contract terms and conditions and serve as a liaison with the contractor. The agency shall establish procedures to ensure that contractual services have been rendered in accordance with the contract terms prior to processing the invoice for payment.

(14)~~(16)~~ Each agency shall designate at least one employee who shall serve as a contract administrator responsible for maintaining a contract file and financial information on all contractual services contracts and who shall serve as a liaison with the contract managers and the department.

(15)~~(17)~~ For a contract in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall appoint:

(a) At least three persons to evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought.

(b) At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. When the value of a contract is in excess of $1 million in any fiscal year, at least one of the persons conducting negotiations must be certified as a contract negotiator based upon rules adopted by the Department of Management Services in order to ensure that certified contract negotiators are knowledgeable about effective negotiation strategies, capable of successfully implementing those strategies, and involved appropriately in the procurement process. At a minimum, the rules must address the qualifications required for certification, the method of certification, and the procedure for involving the certified negotiator. If the value of a contract is in excess of $10 million in any fiscal year, at least one of the persons conducting negotiations must be a Project Management Professional, as certified by the Project Management Institute.

(16)(a)1. Each agency must avoid, neutralize, or mitigate significant potential organizational conflicts of interest before a contract is awarded. If the agency elects to mitigate the significant potential organizational conflict or conflicts of interest, an adequate mitigation plan including organizational, physical, and electronic barriers shall be developed.

2. If a conflict cannot be avoided or mitigated, an agency is authorized to proceed with the contract award if the agency head certifies that the award is in the best interests of the state. The agency head must specify in writing the basis for the certification.

(b)1. An agency head may not proceed with a contract award under subparagraph (a)2. if a conflict of interest is based upon the vendor gaining an unfair competitive advantage.

2. An unfair competitive advantage exists where the vendor competing for the award of a contract obtained:

a. Access to information that is not available to the public and would assist the vendor in obtaining the contract; or

b. Source selection information that is relevant to the contract but is not available to all competitors and that would assist the vendor in obtaining the contract.

3. An unfair competitive advantage does not exist as a result of the vendor acquiring expertise and having access to publicly available information as a result of performing the incumbent contract or another similar contract.

~~(18) A person who receives a contract that has not been procured pursuant to subsections (1) through (5) to perform a feasibility study of the potential implementation of a subsequent contract, who participates in the drafting of a solicitation or who develops a program for future implementation, is not eligible to contract with the agency for any other contracts dealing with that specific subject matter, and any firm in which such person has any interest is~~

~~not eligible to receive such contract. However, this prohibition does not prevent a vendor who responds to a request for information from being eligible to contract with an agency.~~

(17)~~(19)~~ Each agency shall establish a review and approval process for all contractual services contracts costing more than the threshold amount provided for in s. 287.017 for CATEGORY THREE which shall include, but not be limited to, program, financial, and legal review and approval. Such reviews and approvals shall be obtained before the contract is executed.

(18)~~(20)~~ In any procurement that costs more than the threshold amount provided for in s. 287.017 for CATEGORY TWO and is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

(19)~~(21)~~ Nothing in this section shall affect the validity or effect of any contract in existence on October 1, 1990.

(20)~~(22)~~ An agency may contract for services with any independent, nonprofit college or university which is located within the state and is accredited by the Southern Association of Colleges and Schools, on the same basis as it may contract with any state university and college.

(21)~~(23)~~ The department, in consultation with the Agency for Enterprise Information Technology and the Comptroller, shall develop a program for online procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, agencies shall participate in the online procurement program, and eligible users may participate in the program. Only vendors prequalified as meeting mandatory requirements and qualifications criteria may participate in online procurement.

(a) The department, in consultation with the agency, may contract for equipment and services necessary to develop and implement online procurement.

(b) The department, in consultation with the agency, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer the program for online procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying vendors.

2. Establishing the procedures for conducting online procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to online procurement.

5. Determining the criteria warranting any exceptions to participation in the online procurement program.

(c) The department may impose and shall collect all fees for the use of the online procurement systems.

1. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of the services, including administrative and project service costs in accordance with the policies of the department.

2. If the department contracts with a provider for online procurement, the department, pursuant to appropriation, shall compensate the provider from the fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which the fees are due. For fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted.

4. All fees and surcharges collected under this paragraph shall be deposited in the Operating Trust Fund as provided by law.

(22)~~(24)~~ Each solicitation for the procurement of commodities or contractual services shall include the following provision: "Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response."

Section 6. Section 287.0571, Florida Statutes, is amended to read:

287.0571 Business case to outsource; applicability ~~of ss. 287.0571-287.0574~~.—

~~(1) Sections 287.0571-287.0574 may be cited as the "Florida Efficient Government Act."~~

(1)~~(2)~~ It is the intent of the Legislature that each state agency focus on its core mission and deliver services effectively and efficiently by leveraging resources and contracting with private sector vendors whenever vendors can more effectively and efficiently provide services and reduce the cost of government.

(2)~~(3)~~ It is further the intent of the Legislature that business cases to outsource be evaluated for feasibility, cost-effectiveness, and efficiency before a state agency proceeds with any outsourcing of services.

(3)~~(4)~~ This section does ~~Sections 287.0571-287.0574 do~~ not apply to:

(a) A procurement of commodities and contractual services listed in s. 287.057(3)~~(5)(e),~~ (f)~~,~~ and (g) and (20)~~(22)~~.

(b) A procurement of contractual services subject to s. 287.055.

(c) A contract in support of the planning, development, implementation, operation, or maintenance of the road, bridge, and public transportation construction program of the Department of Transportation.

(d) A procurement of commodities or contractual services which does not constitute an outsourcing of services or activities.

(4) An agency shall complete a business case for any outsourcing project with an expected cost in excess of $10 million within a single fiscal year. The business case shall be submitted pursuant to s. 216.023. The business case shall be available as part of the solicitation but is not subject to challenge and shall include the following:

(a) A detailed description of the service or activity for which the outsourcing is proposed.

(b) A description and analysis of the state agency's current performance, based on existing performance metrics if the state agency is currently performing the service or activity.

(c) The goals desired to be achieved through the proposed outsourcing and the rationale for such goals.

(d) A citation to the existing or proposed legal authority for outsourcing the service or activity.

(e) A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option involving maintaining state provision of the service or activity shall be included.

(f) An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks.

(g) A description of the current market for the contractual services that are under consideration for outsourcing.

(h) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis must specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost must be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The state agency head shall attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. As used in this section, the term "cost" means the reasonable, relevant, and verifiable cost, which may include, but is not limited to, elements such as personnel, materials and supplies, services, equipment, capital depreciation, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements shall depend on the nature of the specific initiative. As used in this section, the term "savings" means the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the contract.

(i) A description of differences among current state agency policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required.

(j) A description of the specific performance standards that must, at a minimum, be met to ensure adequate performance.

(k) The projected timeframe for key events from the beginning of the procurement process through the expiration of a contract.

(l) A plan to ensure compliance with the public records law.

(m) A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation.

(n) A state agency's transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state agency or employed by the contractor.

(o) A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.

(5) In addition to the contract requirements provided in s. 287.058, each contract for a proposed outsourcing, pursuant to this section, must include, but need not be limited to, the following contractual provisions:

(a) A scope-of-work provision that clearly specifies each service or deliverable to be provided, including a description of each deliverable or activity that is quantifiable, measurable, and verifiable. This provision must include a clause that states if a particular service or deliverable is inadvertently omitted or not clearly specified but determined to be operationally necessary and verified to have been performed by the agency within the 12 months before the execution of the contract, such service or deliverable will be provided by the contractor through the identified contract-amendment process.

(b) A service-level-agreement provision describing all services to be provided under the terms of the agreement, the state agency's service requirements and performance objectives, specific responsibilities of the state agency and the contractor, and the process for amending any portion of the service-level agreement. Each service-level agreement must contain an exclusivity clause that allows the state agency to retain the right to perform the service or activity, directly or with another contractor, if service levels are not being achieved.

(c) A provision that identifies all associated costs, specific payment terms, and payment schedules, including provisions governing incentives and financial disincentives and criteria governing payment.

(d) A provision that identifies a clear and specific transition plan that will be implemented in order to complete all required activities needed to transfer the service or activity from the state agency to the contractor and operate the service or activity successfully.

(e) A performance-standards provision that identifies all required performance standards, which must include, at a minimum:

1. Detailed and measurable acceptance criteria for each deliverable and service to be provided to the state agency under the terms of the contract which document the required performance level.

2. A method for monitoring and reporting progress in achieving specified performance standards and levels.

3. The sanctions or disincentives that shall be imposed for nonperformance by the contractor or state agency.

(f) A provision that requires the contractor and its subcontractors to maintain adequate accounting records that comply with all applicable federal and state laws and generally accepted accounting principles.

(g) A provision that authorizes the state agency to have access to and to audit all records related to the contract and subcontracts, or any responsibilities or functions under the contract and subcontracts, for purposes of legislative oversight, and a requirement for audits by a service organization in accordance with professional auditing standards, if appropriate.

(h) A provision that requires the contractor to interview and consider for employment with the contractor each displaced state employee who is interested in such employment.

(i) A contingency-plan provision that describes the mechanism for continuing the operation of the service or activity, including transferring the service or activity back to the state agency or successor contractor if the contractor fails to perform and comply with the performance standards and levels of the contract and the contract is terminated.

(j) A provision that requires the contractor and its subcontractors to comply with public records laws, specifically to:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the service or activity.

2. Provide the public with access to such public records on the same terms and conditions that the state agency would provide the records and at a cost that does not exceed that provided in chapter 119 or as otherwise provided by law.

3. Ensure that records that are exempt or records that are confidential and exempt are not disclosed except as authorized by law.

4. Meet all requirements for retaining records and transfer to the state agency, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the state agency in a format that is compatible with the information technology systems of the state agency.

(k)1. A provision that provides that any copyrightable or patentable intellectual property produced as a result of work or services performed under the contract, or in any way connected with the contract, shall be the property of the state, with only such exceptions as are clearly expressed and reasonably valued in the contract.

2. A provision that provides that, if the primary purpose of the contract is the creation of intellectual property, the state shall retain an unencumbered right to use such property.

(l) If applicable, a provision that allows the agency to purchase from the contractor, at its depreciated value, assets used by the contractor in the performance of the contract. If assets have not depreciated, the agency shall retain the right to negotiate to purchase at an agreed-upon cost.

Section 7. Section 287.05721, Florida Statutes, is repealed.

Section 8. Section 287.0575, Florida Statutes, is created to read:

287.0575 Coordination of contracted services.—The following duties and responsibilities of the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, and the Florida Department of Veterans Affairs, and service providers under contract to those agencies, are established:

(1) No later than August 1, 2010, or upon entering into any new contract for health and human services, state agencies contracting for health and human services must notify their contract service providers of the requirements of this section.

(2) No later than October 1, 2010, contract service providers that have more than one contract with one or more state agencies to provide health and human services must provide to each of their contract managers a comprehensive list of their health and human services contracts. The list must include the following information:

(a) The name of each contracting state agency and the applicable office or program issuing the contract.

(b) The identifying name and number of each contract.

(c) The starting and ending date of each contract.

(d) The amount of each contract.

(e) A brief description of the purpose of the contract and the types of services provided under each contract.

(f) The name and contact information of the contract manager.

(3) With respect to contracts entered into after August 1, 2010, effective November 1, 2010, or 30 days after receiving the list provided under subsection (2), a single lead administrative coordinator for each contract service provider shall be designated as provided in this subsection from among the agencies having multiple contracts as provided in subsection (2). On or before the date such responsibilities are assumed, the designated lead

administrative coordinator shall provide notice of his or her designation to the contract service provider and to the agency contract managers for each affected contract. Unless another lead administrative coordinator is selected by agreement of all affected contract managers, the designated lead administrative coordinator shall be the agency contract manager of the contract with the highest dollar value over the term of the contract, provided the term of the contract remaining at the time of designation exceeds 24 months. If the remaining terms of all contracts are 24 months or less, the designated lead administrative coordinator shall be the contract manager of the contract with the latest end date. A designated lead administrative coordinator, or his or her successor as contract manager, shall continue as lead administrative coordinator until another lead administrative coordinator is selected by agreement of all affected contract managers or until the end date of the contract for which the designated lead administrative coordinator serves as contract manager, at which time a new lead administrative coordinator shall be designated pursuant to this subsection if applicable.

(4) The designated lead administrative coordinator shall be responsible for:

(a) Establishing a coordinated schedule for administrative and fiscal monitoring;

(b) Consulting with other case managers to establish a single unified set of required administrative and fiscal documentation;

(c) Consulting with other case managers to establish a single unified schedule for periodic updates of administrative and fiscal information; and

(d) Maintaining an accessible electronic file of up-to-date administrative and fiscal documents, including, but not limited to, corporate documents, membership records, audits, and monitoring reports.

(5) Contract managers for agency contracts other than the designated lead administrative coordinator must conduct administrative and fiscal monitoring activities in accordance with the coordinated schedule and must obtain any necessary administrative and fiscal documents from the designated lead administrative coordinator's electronic file.

(6) This section does not apply to routine program performance monitoring or prohibit a contracting agency from directly and immediately contacting the service provider when the health or safety of clients is at risk.

(7) Annually, each agency contracting for health and human services shall evaluate the performance of its designated lead administrative coordinator in establishing coordinated systems, improving efficiency, and reducing redundant monitoring activities for state agencies and their service providers. The report shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives.

Section 9. Section 287.0573, Florida Statutes, is repealed.

Section 10. Section 287.0574, Florida Statutes, is repealed.

Section 11. Subsections (2) and (3) of section 283.32, Florida Statutes, are amended to read:

283.32 Recycled paper to be used by each agency; printing bids certifying use of recycled paper; percentage preference in awarding contracts.—

(2) Each agency shall require a vendor that submits a bid for a contract for printing ~~and that wishes to be considered for the price preference described in s. 287.045~~ to certify in writing the percentage of recycled content of the material used for such printing. Such vendor may certify that the material contains no recycled content.

(3) Upon evaluation of bids for each printing contract, the agency shall identify the lowest responsive bid and any other responsive bids in which it has been certified that the materials used in printing contain at least the minimum percentage of recycled content that is set forth by the department. ~~In awarding a contract for printing, the agency may allow up to a 10-percent price preference, as provided in s. 287.045, to a responsible and responsive vendor that has certified that the materials used in printing contain at least the minimum percentage of recycled content established by the department.~~ If no vendors offer materials for printing that contain the minimum prescribed recycled content, the contract shall be awarded to the responsible vendor that submits the lowest responsive bid.

Section 12. Subsection (1) of section 403.7065, Florida Statutes, is amended to read:

403.7065 Procurement of products or materials with recycled content.—

(1) ~~Except as provided in s. 287.045,~~ Any state agency or agency of a political subdivision of the state which is using state funds, or any person contracting with any such agency with respect to work performed under contract, is required to procure products or materials with recycled content when the Department of Management Services determines that those products or materials are available. A decision not to procure such items must be based on the Department of Management Services' determination that such procurement is not reasonably available within an acceptable period of time, fails to meet the performance standards set forth in the applicable specifications, or fails to meet the performance standards of the agency. ~~When the requirements of s. 287.045 are met, agencies shall be subject to the procurement requirements of that section for procuring products or materials with recycled content.~~

Section 13. Paragraph (d) of subsection (4) of section 14.204, Florida Statutes, is amended to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor.

(4) The agency shall have the following duties and responsibilities:

(d) Plan and establish policies for managing proposed statutorily authorized enterprise information technology services, which includes:

1. Developing business cases that, when applicable, include the components identified in s. 287.0571 ~~287.0574~~;

2. Establishing and coordinating project-management teams;

3. Establishing formal risk-assessment and mitigation processes; and

4. Providing for independent monitoring of projects for recommended corrective actions.

Section 14. Subsection (1) of section 43.16, Florida Statutes, is amended to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(1) There is hereby created a Justice Administrative Commission, with headquarters located in the state capital. The necessary office space for use of the commission shall be furnished by the proper state agency in charge of state buildings. For purposes of the fees imposed on agencies pursuant to s. 287.057(21)~~(23)~~, the Justice Administrative Commission shall be exempt from such fees.

Section 15. Paragraph (e) of subsection (1) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(3)~~(5)~~(a).

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (5), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

Section 16. Paragraph (h) of subsection (1) of section 112.3215, Florida Statutes, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(h) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another

person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017~~(1)(a)~~.

Section 17. Paragraph (h) of subsection (3) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(3)

(h) The Department of Management Services may, pursuant to s. 287.042(2)(a), procure a term contract for real estate consulting and brokerage services. A state agency may not purchase services from the contract unless the contract has been procured under s. 287.057(1)~~, (2), or (3)~~ after March 1, 2007, and contains the following provisions or requirements:

1. Awarded brokers must maintain an office or presence in the market served. In awarding the contract, preference must be given to brokers that are licensed in this state under chapter 475 and that have 3 or more years of experience in the market served. The contract may be made with up to three tenant brokers in order to serve the marketplace in the north, central, and south areas of the state.

2. Each contracted tenant broker shall work under the direction, supervision, and authority of the state agency, subject to the rules governing lease procurements.

3. The department shall provide training for the awarded tenant brokers concerning the rules governing the procurement of leases.

4. Tenant brokers must comply with all applicable provisions of s. 475.278.

5. Real estate consultants and tenant brokers shall be compensated by the state agency, subject to the provisions of the term contract, and such compensation is subject to appropriation by the Legislature. A real estate consultant or tenant broker may not receive compensation directly from a lessor for services that are rendered under the term contract. Moneys paid to a real estate consultant or tenant broker are exempt from any charge imposed under s. 287.1345. Moneys paid by a lessor to the state agency under a facility leasing arrangement are not subject to the charges imposed under s. 215.20. All terms relating to the compensation of the real estate consultant or tenant broker shall be specified in the term contract and may not be supplemented or modified by the state agency using the contract.

6. The department shall conduct periodic customer-satisfaction surveys.

7. Each state agency shall report the following information to the department:

a. The number of leases that adhere to the goal of the workspace-management initiative of 180 square feet per FTE.

b. The quality of space leased and the adequacy of tenant-improvement funds.

c. The timeliness of lease procurement, measured from the date of the agency's request to the finalization of the lease.

d. Whether cost-benefit analyses were performed before execution of the lease in order to ensure that the lease is in the best interest of the state.

e. The lease costs compared to market rates for similar types and classifications of space according to the official classifications of the Building Owners and Managers Association.

Section 18. Paragraph (a) of subsection (2) of section 286.0113, Florida Statutes, is amended to read:

286.0113 General exemptions from public meetings.—

(2)(a) A meeting at which a negotiation with a vendor is conducted pursuant to s. 287.057(1)~~(3)~~ is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 19. Subsection (1) of section 287.022, Florida Statutes, is amended to read:

287.022 Purchase of insurance.—

(1) Insurance, while not a commodity, nevertheless shall be purchased for all agencies by the department, except that agencies may purchase title insurance for land acquisition and may make emergency purchases of insurance pursuant to s. 287.057(3)~~(5)~~(a). The procedures for purchasing insurance, whether the purchase is made by the department or by the agencies, shall be the same as those set forth herein for the purchase of commodities.

Section 20. Paragraph (f) of subsection (1) and subsection (5) of section 287.058, Florida Statutes, are amended to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or the providing of other benefits as required by the provisions of chapter 440, shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which provisions and conditions shall, where applicable, include, but shall not be limited to:

(f) A provision specifying that the contract may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer, specifying the renewal price for the contractual service as set forth in the bid, proposal, or reply, specifying that costs for the renewal may not be charged, and specifying that renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to s. 287.057(3)~~(5)~~(a) and (c) may not be renewed.

In lieu of a written agreement, the department may authorize the use of a purchase order for classes of contractual services, if the provisions of paragraphs (a)-(f) are included in the purchase order or solicitation. The purchase order must include, but need not be limited to, an adequate description of the services, the contract period, and the method of payment. In lieu of printing the provisions of paragraphs (a)-(f) in the contract document or purchase order, agencies may incorporate the requirements of paragraphs (a)-(f) by reference.

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Chief Financial Officer may waive the requirements of this section for services which are included in s. 287.057(3)~~(5)~~(f).

Section 21. Subsection (14) of section 287.059, Florida Statutes, is amended to read:

287.059 Private attorney services.—

(14) The office of the Attorney General is authorized to competitively bid and contract with one or more court reporting services, on a circuitwide basis, on behalf of all state agencies in accordance with s. 287.057~~(2)~~. The office of the Attorney General shall develop requests for proposal for court reporter services in consultation with the Florida Court Reporters Association. All agencies shall utilize the contracts for court reporting services entered into by the office of the Attorney General where in force, unless otherwise ordered by a court or unless an agency has a contract for court reporting services executed prior to May 5, 1993.

Section 22. Paragraph (b) of subsection (4) of section 295.187, Florida Statutes, is amended to read:

295.187 Florida Service-Disabled Veteran Business Enterprise Opportunity Act.—

(4) VENDOR PREFERENCE.—

(b) Notwithstanding s. 287.057(10)~~(12)~~, if a service-disabled veteran business enterprise entitled to the vendor preference under this section and one or more businesses entitled to this preference or another vendor preference provided by law submit bids, proposals, or replies for procurement of commodities or contractual services that are equal with respect to all relevant considerations, including price, quality, and service, then the state agency shall award the procurement or contract to the business having the smallest net worth.

Section 23. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) POWER TO CONTRACT.—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(3)~~(5)~~(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 24. Paragraph (a) of subsection (1) of section 394.47865, Florida Statutes, is amended to read:

394.47865 South Florida State Hospital; privatization.—

(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.

(a) Notwithstanding s. 287.057(12)~~(14)~~, the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

Section 25. Paragraph (c) of subsection (5) and subsection (8) of section 402.40, Florida Statutes, are amended to read:

402.40 Child welfare training.—

(5) CORE COMPETENCIES.—

(c) Notwithstanding s. 287.057(3)~~(5)~~ and (20)~~(22)~~, the department shall competitively solicit and contract for the development, validation, and periodic evaluation of the training curricula for the established single integrated curriculum. No more than one training curriculum may be developed for each specific subset of the core competencies.

(8) ESTABLISHMENT OF TRAINING ACADEMIES.—The department shall establish child welfare training academies as part of a comprehensive system of child welfare training. In establishing a program of training, the department may contract for the operation of one or more training academies to perform one or more of the following: to offer one or more of the training curricula developed under subsection (5); to administer the certification process; to develop, validate, and periodically evaluate additional training curricula determined to be necessary, including advanced training that is specific to a region or contractor, or that meets a particular training need; or to offer the additional training curricula. The number, location, and timeframe for establishment of training academies shall be approved by the Secretary of Children and Family Services who shall ensure that the goals for the core competencies and the single integrated curriculum, the certification process, the trainer qualifications, and the additional training needs are addressed. Notwithstanding s. 287.057(3)~~(5)~~ and (20)~~(22)~~, the department shall competitively solicit all training academy contracts.

Section 26. Paragraphs (a) and (b) of subsection (2) and subsection (3) of section 402.7305, Florida Statutes, are amended to read:

402.7305 Department of Children and Family Services; procurement of contractual services; contract management.—

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(a) Notwithstanding s. 287.057(3)(f)11. ~~s. 287.057(5)(f)13.~~, whenever the department intends to contract with a public postsecondary institution to provide a service, the department must allow all public postsecondary institutions in this state that are accredited by the Southern Association of Colleges and Schools to bid on the contract. Thereafter, notwithstanding any other provision to the contrary, if a public postsecondary institution intends to subcontract for any service awarded in the contract, the subcontracted service must be procured by competitive procedures.

(b) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service quality, and cost control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes matching funds to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by s. 287.057(15)~~(17)~~ to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why the inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by s. 287.057(15)~~(17)~~. A governmental entity or unit of special purpose government may not name an employee as one of the persons required by s. 287.057(15)~~(17)~~ if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or contributor of matching funds must comply with all procurement procedures set forth in s. 287.057 when appropriate and required.

(3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The Department of Children and Family Services shall review the time period for which the department executes contracts and shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution. Whenever the department chooses not to use a multiyear contract, a justification for that decision must be contained in the contract. Notwithstanding s. 287.057(13)~~(15)~~, the department is responsible for establishing a contract management process that requires a member of the department's Senior Management or Selected Exempt Service to assign in writing the responsibility of a contract to a contract manager. The department shall maintain a set of procedures describing its contract management process which must minimally include the following requirements:

(a) The contract manager shall maintain the official contract file throughout the duration of the contract and for a period not less than 6 years after the termination of the contract.

(b) The contract manager shall review all invoices for compliance with the criteria and payment schedule provided for in the contract and shall approve payment of all invoices before their transmission to the Department of Financial Services for payment.

(c) The contract manager shall maintain a schedule of payments and total amounts disbursed and shall periodically reconcile the records with the state's official accounting records.

(d) For contracts involving the provision of direct client services, the contract manager shall periodically visit the physical location where the

services are delivered and speak directly to clients receiving the services and the staff responsible for delivering the services.

(e) The contract manager shall meet at least once a month directly with the contractor's representative and maintain records of such meetings.

(f) The contract manager shall periodically document any differences between the required performance measures and the actual performance measures. If a contractor fails to meet and comply with the performance measures established in the contract, the department may allow a reasonable period for the contractor to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the contractor to the department's satisfaction, the department must terminate the contract. The department may not enter into a new contract with that same contractor for the services for which the contract was previously terminated for a period of at least 24 months after the date of termination. The contract manager shall obtain and enforce corrective action plans, if appropriate, and maintain records regarding the completion or failure to complete corrective action items.

(g) The contract manager shall document any contract modifications, which shall include recording any contract amendments as provided for in this section.

(h) The contract manager shall be properly trained before being assigned responsibility for any contract.

Section 27. Subsection (2) of section 408.045, Florida Statutes, is amended to read:

408.045 Certificate of need; competitive sealed proposals.—

(2) The agency shall make a decision regarding the issuance of the certificate of need in accordance with the provisions of s. 287.057(15)~~(17)~~, rules adopted by the agency relating to intermediate care facilities for the developmentally disabled, and the criteria in s. 408.035, as further defined by rule.

Section 28. Subsection (3) of section 427.0135, Florida Statutes, is amended to read:

427.0135 Purchasing agencies; duties and responsibilities.—Each purchasing agency, in carrying out the policies and procedures of the commission, shall:

(3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(3)(f)11. ~~s. 287.057(5)(f)13.~~, or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

Section 29. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(5) USE OF CONTRACTS.—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)~~(5)~~(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 30. Paragraph (b) of subsection (3) of section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.—

(3)

(b) The board shall contract with a corporation or other business entity pursuant to s. 287.057~~(3)~~ to provide investigative, legal, prosecutorial, and other services necessary to perform its duties.

Section 31. Subsection (41) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(41) Notwithstanding the provisions of s. 287.057(21)~~(23)~~ that require all agencies to use the online procurement system developed by the Department of Management Services, the department may continue to use its own online system. However, vendors utilizing such system shall be prequalified as meeting mandatory requirements and qualifications and shall remit fees pursuant to s. 287.057(21)~~(23)~~, and any rules implementing s. 287.057.

Section 32. Paragraph (c) of subsection (5) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(5)

(c) The operation of the plan shall be governed by a plan of operation that is prepared at the direction of the board of governors and approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The plan of operation shall:

1. Authorize the board to engage in the activities necessary to implement this subsection, including, but not limited to, borrowing money.

2. Develop criteria for eligibility for coverage by the plan, including, but not limited to, documented rejection by at least two insurers which reasonably assures that insureds covered under the plan are unable to acquire coverage in the voluntary market.

3. Require notice from the agent to the insured at the time of the application for coverage that the application is for coverage with the plan and that coverage may be available through an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer through another agent at a lower cost.

4. Establish programs to encourage insurers to provide coverage to applicants of the plan in the voluntary market and to insureds of the plan, including, but not limited to:

a. Establishing procedures for an insurer to use in notifying the plan of the insurer's desire to provide coverage to applicants to the plan or existing insureds of the plan and in describing the types of risks in which the insurer is interested. The description of the desired risks must be on a form developed by the plan.

b. Developing forms and procedures that provide an insurer with the information necessary to determine whether the insurer wants to write particular applicants to the plan or insureds of the plan.

c. Developing procedures for notice to the plan and the applicant to the plan or insured of the plan that an insurer will insure the applicant or the insured of the plan, and notice of the cost of the coverage offered; and developing procedures for the selection of an insuring entity by the applicant or insured of the plan.

d. Provide for a market-assistance plan to assist in the placement of employers. All applications for coverage in the plan received 45 days before the effective date for coverage shall be processed through the market-assistance plan. A market-assistance plan specifically designed to serve the needs of small, good policyholders as defined by the board must be reviewed and updated periodically.

5. Provide for policy and claims services to the insureds of the plan of the nature and quality provided for insureds in the voluntary market.

6. Provide for the review of applications for coverage with the plan for reasonableness and accuracy, using any available historic information regarding the insured.

7. Provide for procedures for auditing insureds of the plan which are based on reasonable business judgment and are designed to maximize the likelihood that the plan will collect the appropriate premiums.

8. Authorize the plan to terminate the coverage of and refuse future coverage for any insured that submits a fraudulent application to the plan or provides fraudulent or grossly erroneous records to the plan or to any service provider of the plan in conjunction with the activities of the plan.

9. Establish service standards for agents who submit business to the plan.

10. Establish criteria and procedures to prohibit any agent who does not adhere to the established service standards from placing business with the plan or receiving, directly or indirectly, any commissions for business placed with the plan.

11. Provide for the establishment of reasonable safety programs for all insureds in the plan. All insureds of the plan must participate in the safety program.

12. Authorize the plan to terminate the coverage of and refuse future coverage to any insured who fails to pay premiums or surcharges when due; who, at the time of application, is delinquent in payments of workers' compensation or employer's liability insurance premiums or surcharges owed to an insurer, group self-insurers' fund, commercial self-insurance fund, or assessable mutual insurer licensed to write such coverage in this state; or who refuses to substantially comply with any safety programs recommended by the plan.

13. Authorize the board of governors to provide the goods and services required by the plan through staff employed by the plan, through reasonably compensated service providers who contract with the plan to provide services as specified by the board of governors, or through a combination of employees and service providers.

a. Purchases that equal or exceed $2,500 but are less than or equal to $25,000, shall be made by receipt of written quotes, telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued over $25,000 is subject to competitive solicitation, except in situations in which the goods or services are provided by a sole source or are deemed an emergency purchase, or the services are exempted from competitive-solicitation requirements under s. 287.057(3)~~(5)~~(f). Justification for the sole-sourcing or emergency procurement must be documented. Contracts for goods or services valued at or over $100,000 are subject to board approval.

b. The board shall determine whether it is more cost-effective and in the best interests of the plan to use legal services provided by in-house attorneys employed by the plan rather than contracting with outside counsel. In making such determination, the board shall document its findings and shall consider the expertise needed; whether time commitments exceed in-house staff resources; whether local representation is needed; the travel, lodging, and other costs associated with in-house representation; and such other factors that the board determines are relevant.

14. Provide for service standards for service providers, methods of determining adherence to those service standards, incentives and disincentives for service, and procedures for terminating contracts for service providers that fail to adhere to service standards.

15. Provide procedures for selecting service providers and standards for qualification as a service provider that reasonably assure that any service provider selected will continue to operate as an ongoing concern and is capable of providing the specified services in the manner required.

16. Provide for reasonable accounting and data-reporting practices.

17. Provide for annual review of costs associated with the administration and servicing of the policies issued by the plan to determine alternatives by which costs can be reduced.

18. Authorize the acquisition of such excess insurance or reinsurance as is consistent with the purposes of the plan.

19. Provide for an annual report to the office on a date specified by the office and containing such information as the office reasonably requires.

20. Establish multiple rating plans for various classifications of risk which reflect risk of loss, hazard grade, actual losses, size of premium, and compliance with loss control. At least one of such plans must be a preferred-rating plan to accommodate small-premium policyholders with good experience as defined in sub-subparagraph 22.a.

21. Establish agent commission schedules.

22. For employers otherwise eligible for coverage under the plan, establish three tiers of employers meeting the criteria and subject to the rate limitations specified in this subparagraph.

a. Tier One.—

(I) Criteria; rated employers.—An employer that has an experience modification rating shall be included in Tier One if the employer meets all of the following:

(A) The experience modification is below 1.00.

(B) The employer had no lost-time claims subsequent to the applicable experience modification rating period.

(C) The total of the employer's medical-only claims subsequent to the applicable experience modification rating period did not exceed 20 percent of premium.

(II) Criteria; non-rated employers.—An employer that does not have an experience modification rating shall be included in Tier One if the employer meets all of the following:

(A) The employer had no lost-time claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan.

(B) The total of the employer's medical-only claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan did not exceed 20 percent of premium.

(C) The employer has secured workers' compensation coverage for the entire 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan.

(D) The employer is able to provide the plan with a loss history generated by the employer's prior workers' compensation insurer, except if the employer is not able to produce a loss history due to the insolvency of an insurer, the receiver shall provide to the plan, upon the request of the employer or the employer's agent, a copy of the employer's loss history from the records of the insolvent insurer if the loss history is contained in records of the insurer which are in the possession of the receiver. If the receiver is unable to produce the loss history, the employer may, in lieu of the loss history, submit an affidavit from the employer and the employer's insurance agent setting forth the loss history.

(E) The employer is not a new business.

(III) Premiums.—The premiums for Tier One insureds shall be set at a premium level 25 percent above the comparable voluntary market premiums until the plan has sufficient experience as determined by the board to establish an actuarially sound rate for Tier One, at which point the board shall, subject to paragraph (e), adjust the rates, if necessary, to produce actuarially sound rates, provided such rate adjustment shall not take effect prior to January 1, 2007.

b. Tier Two.—

(I) Criteria; rated employers.—An employer that has an experience modification rating shall be included in Tier Two if the employer meets all of the following:

(A) The experience modification is equal to or greater than 1.00 but not greater than 1.10.

(B) The employer had no lost-time claims subsequent to the applicable experience modification rating period.

(C) The total of the employer's medical-only claims subsequent to the applicable experience modification rating period did not exceed 20 percent of premium.

(II) Criteria; non-rated employers.—An employer that does not have any experience modification rating shall be included in Tier Two if the employer is a new business. An employer shall be included in Tier Two if the employer has less than 3 years of loss experience in the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan and the employer meets all of the following:

(A) The employer had no lost-time claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan.

(B) The total of the employer's medical-only claims for the 3-year period immediately preceding the inception date or renewal date of the employer's coverage under the plan did not exceed 20 percent of premium.

(C) The employer is able to provide the plan with a loss history generated by the workers' compensation insurer that provided coverage for the portion or portions of such period during which the employer had secured workers' compensation coverage, except if the employer is not able to produce a loss history due to the insolvency of an insurer, the receiver shall provide to the plan, upon the request of the employer or the employer's agent, a copy of the employer's loss history from the records of the insolvent insurer if the loss history is contained in records of the insurer which are in the possession of the receiver. If the receiver is unable to produce the loss history, the employer

may, in lieu of the loss history, submit an affidavit from the employer and the employer's insurance agent setting forth the loss history.

(III) Premiums.—The premiums for Tier Two insureds shall be set at a rate level 50 percent above the comparable voluntary market premiums until the plan has sufficient experience as determined by the board to establish an actuarially sound rate for Tier Two, at which point the board shall, subject to paragraph (e), adjust the rates, if necessary, to produce actuarially sound rates, provided such rate adjustment shall not take effect prior to January 1, 2007.

c. Tier Three.—

(I) Eligibility.—An employer shall be included in Tier Three if the employer does not meet the criteria for Tier One or Tier Two.

(II) Rates.—The board shall establish, subject to paragraph (e), and the plan shall charge, actuarially sound rates for Tier Three insureds.

23. For Tier One or Tier Two employers which employ no nonexempt employees or which report payroll which is less than the minimum wage hourly rate for one full-time employee for 1 year at 40 hours per week, the plan shall establish actuarially sound premiums, provided, however, that the premiums may not exceed $2,500. These premiums shall be in addition to the fee specified in subparagraph 26. When the plan establishes actuarially sound rates for all employers in Tier One and Tier Two, the premiums for employers referred to in this paragraph are no longer subject to the $2,500 cap.

24. Provide for a depopulation program to reduce the number of insureds in the plan. If an employer insured through the plan is offered coverage from a voluntary market carrier:

a. During the first 30 days of coverage under the plan;

b. Before a policy is issued under the plan;

c. By issuance of a policy upon expiration or cancellation of the policy under the plan; or

d. By assumption of the plan's obligation with respect to an in-force policy,

that employer is no longer eligible for coverage through the plan. The premium for risks assumed by the voluntary market carrier must be no greater than the premium the insured would have paid under the plan, and shall be adjusted upon renewal to reflect changes in the plan rates and the tier for which the insured would qualify as of the time of renewal. The insured may be charged such premiums only for the first 3 years of coverage in the voluntary market. A premium under this subparagraph is deemed approved and is not an excess premium for purposes of s. 627.171.

25. Require that policies issued and applications must include a notice that the policy could be replaced by a policy issued from a voluntary market carrier and that, if an offer of coverage is obtained from a voluntary market carrier, the policyholder is no longer eligible for coverage through the plan. The notice must also specify that acceptance of coverage under the plan creates a conclusive presumption that the applicant or policyholder is aware of this potential.

26. Require that each application for coverage and each renewal premium be accompanied by a nonrefundable fee of $475 to cover costs of administration and fraud prevention. The board may, with the prior approval of the office, increase the amount of the fee pursuant to a rate filing to reflect increased costs of administration and fraud prevention. The fee is not subject to commission and is fully earned upon commencement of coverage.

Section 33. Paragraph (e) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(e) Purchases that equal or exceed $2,500, but are less than $25,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued at or over $25,000 shall be subject to competitive solicitation, except in situations where the goods or services are provided by a sole source or are deemed an emergency purchase; the services are exempted from competitive solicitation requirements under s. 287.057(3)~~(5)~~(f); or the procurement of services is subject to s. 627.3513. Justification for the sole-sourcing or emergency procurement must be documented. Contracts for goods or services valued at or over $100,000 are subject to approval by the board.

Section 34. Subsection (2) of section 765.5155, Florida Statutes, is amended to read:

765.5155 Donor registry; education program.—

(2) The agency and the department shall jointly contract for the operation of a donor registry and education program. The contractor shall be procured by competitive solicitation pursuant to chapter 287, notwithstanding any exemption in s. 287.057(3)~~(5)~~(f). When awarding the contract, priority shall be given to existing nonprofit groups that are based within the state, have expertise working with procurement organizations, have expertise in conducting statewide organ and tissue donor public education campaigns, and represent the needs of the organ and tissue donation community in the state.

Section 35. Subsection (10) of section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(10) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through federal grants or private funding applied for or received by the state. The department may not commit funds for the monitoring program without ensuring funding is available. The prescription drug monitoring program and the implementation thereof are contingent upon receipt of the nonstate funding. The department and state government shall cooperate with the direct-support organization established pursuant to subsection (11) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department so long as the costs of doing so are not considered material. Nonmaterial costs for this purpose include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. Notwithstanding the exemptions to competitive-solicitation requirements under s. 287.057(3)~~(5)~~(f), the department shall comply with the competitive-solicitation requirements under s. 287.057 for the procurement of any goods or services required by this section.

Section 36. Subsection (3) of section 1013.38, Florida Statutes, is amended to read:

1013.38 Boards to ensure that facilities comply with building codes and life safety codes.—

(3) The Department of Management Services may, upon request, provide facilities services for the Florida School for the Deaf and the Blind, the Division of Blind Services, and public broadcasting. As used in this section, the term "facilities services" means project management, code and design plan review, and code compliance inspection for projects as defined in s. 287.017(5)~~(1)(e)~~.

Section 37. Section 21 of chapter 2009-55, 2009 Laws of Florida, is amended to read:

Section 21. The Agency for Health Care Administration shall develop and implement a home health agency monitoring pilot project in Miami-Dade County by January 1, 2010. The agency shall contract with a vendor to verify the utilization and the delivery of home health services and provide an electronic billing interface for such services. The contract must require the creation of a program to submit claims for the home health services electronically. The program must verify visits for the delivery of home health services telephonically using voice biometrics. The agency may seek amendments to the Medicaid state plan and waivers of federal law, as necessary, to implement the pilot project. Notwithstanding s. 287.057(3)~~(5)~~(f), Florida Statutes, the agency must award the contract through the competitive solicitation process. The agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the pilot project by February 1, 2011.

Section 38. Section 31 of chapter 2009-223, Laws of Florida, is amended to read:

Section 31. Pilot project to monitor home health services.—The Agency for Health Care Administration shall develop and implement a home health agency monitoring pilot project in Miami-Dade County by January 1, 2010. The agency shall contract with a vendor to verify the utilization and delivery of home health services and provide an electronic billing interface for home health services. The contract must require the creation of a program to submit claims electronically for the delivery of home health services. The program must verify telephonically visits for the delivery of home health services

using voice biometrics. The agency may seek amendments to the Medicaid state plan and waivers of federal laws, as necessary, to implement the pilot project. Notwithstanding s. 287.057(3)~~(5)~~(f), Florida Statutes, the agency must award the contract through the competitive solicitation process. The agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the pilot project by February 1, 2011.

Section 39. Except as otherwise provided in this act and except for this section which shall take effect upon this act becoming a law, this act shall take effect January 1, 2011.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to state financial matters; amending s. 17.20, F.S.; providing that each agency is responsible for exercising due diligence in securing payment for all accounts receivable and other claims due the state; creating requirements for agencies for purposes of reporting delinquent accounts receivable; requiring agencies to report annually to the Legislature and Chief Financial Officer on accounts receivable and other claims due the state; requiring the Chief Financial Officer to report annually to the Governor and Legislature on claims for collections due the state; amending s. 287.012, F.S.; revising, eliminating, and providing definitions; amending s. 287.017, F.S.; revising the threshold amounts for state purchasing categories; eliminating a requirement that the Department of Management Services adopt rules to adjust the threshold amounts; repealing s. 287.045, F.S., relating to procurement of products and materials with recycled content; amending s. 287.057, F.S.; revising and organizing provisions relating to the procurement of commodities and contractual services by the state; specifying authorized uses for competitive solicitation processes; providing procedures and requirements with respect to competitive solicitation; specifying types of procurements for which invitations to bid, requests for proposals, and invitations to negotiate are to be utilized and providing procedures and requirements with respect thereto; revising contractual services and commodities that are not subject to competitive-solicitation requirements; prohibiting an agency from dividing the solicitation of commodities or contractual services in order to avoid specified requirements; authorizing a renewal of contracts for community-based care lead agency services for a specified term under certain conditions; providing a requirement that an agency must avoid, neutralize, or mitigate significant potential organizational conflicts of interests before a contract is awarded; providing procedures and requirements with respect to mitigation of such conflicts of interest; authorizing an agency to proceed with a contract award when such conflict cannot be avoided or mitigated under specified circumstances and providing a restriction on such award; specifying conditions that constitute an unfair competitive advantage for a vendor; eliminating provisions with respect to eligibility of persons who receive specified contracts that were not subject to competitive procurement to contract with an agency for any other contracts dealing with the specific subject matter of the original contract; amending s. 287.0571, F.S.; revising applicability of ss. 287.0571-287.0574, F.S.; specifying procurements and contracts to which s. 287.0571, F.S., relating to agency business cases for outsourcing of specified projects, does not apply; requiring an agency to complete a business case for any outsourcing project with an expected cost in excess of a specified amount within a single fiscal year; providing for the submission of the business case in accordance with provisions governing the submission of agency legislative budget requests; providing that a business case is not subject to challenge; providing required components of a business case; specifying required provisions for a contract for a proposed outsourcing; repealing s. 287.05721, F.S.; eliminating definitions; creating s. 287.0575, F.S.; establishing duties and responsibilities of the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, and the Florida Department of Veterans Affairs, and service providers under contract to those agencies, with respect to coordination of contracted services; requiring state agencies contracting for health and human services to notify their contract service providers of certain requirements by a specified date or upon entering into any new contract for health and human services; requiring service providers that have more than one contract with one or more state agencies to provide health and human services to provide each of their contract managers with a comprehensive list of their health and human services contracts by a specified date; specifying information to be contained in the list; providing for assignment, by a specified date, of a single lead administrative coordinator for each service provider from among agencies having multiple health and human services contracts; requiring the lead administrative coordinator to provide notice of his or her designation to the service provider and to the agency contract managers for each affected contract; providing the method of selection of lead administrative coordinator; providing responsibilities of the designated lead administrative coordinator; providing duties of contract managers for agency contracts; providing nonapplicability; requiring annual performance evaluations of designated lead administrative coordinators by each agency contracting for health and human services; providing for a report; repealing s. 287.0573, F.S., which establishes the Council on Efficient Government and provides membership and duties thereof; repealing s. 287.0574, F.S.; eliminating provisions relating to business cases to outsource, review and analysis conducted thereunder, and requirements thereof that are relocated in other sections of Florida Statutes set forth in this act; amending ss. 283.32 and 403.7065, F.S.; conforming provisions to the repeal of s. 287.045, F.S.; relating to procurement of products and materials with recycled content; amending ss. 14.204, 43.16, 61.1826, 112.3215, 255.25, 286.0113, 287.022, 287.058, 287.059, 295.187, 394.457, 394.47865, 402.40, 402.7305, 408.045, 427.0135, 445.024, 481.205, 570.07, 627.311, 627.351, 765.5155, 893.055, and 1013.38, F.S., s. 21, ch. 2009-55, Laws of Florida, and s. 31, ch. 2009-223, Laws of Florida; conforming cross-references; providing effective dates.

Rep. Hays moved the adoption of the amendment, which was adopted.

On motion by Rep. Hays, the rules were waived and CS for SB 2386 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 698

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Bernard	Bullard	Cretul
Adams	Bogdanoff	Burgin	Crisafulli
Adkins	Bovo	Bush	Cruz
Ambler	Boyd	Cannon	Culp
Anderson	Brandenburg	Chestnut	Domino
Aubuchon	Braynon	Clarke-Reed	Dorworth
Bembry	Brisé	Coley	Drake

Eisnaugle	Hudson	Plakon	Schwartz
Fetterman	Hukill	Poppell	Skidmore
Fitzgerald	Jenne	Porth	Snyder
Flores	Jones	Precourt	Soto
Ford	Kelly	Proctor	Stargel
Fresen	Kiar	Rader	Steinberg
Frishe	Kreegel	Randolph	Taylor
Galvano	Kriseman	Ray	Thompson, N.
Garcia	Legg	Reagan	Thurston
Gibbons	Llorente	Reed	Tobia
Gibson	Long	Rehwinkel Vasilinda	Troutman
Glorioso	Lopez-Cantera	Renuart	Van Zant
Gonzalez	Mayfield	Rivera	Waldman
Grady	McBurney	Robaina	Weatherford
Grimsley	McKeel	Roberson, K.	Weinstein
Hasner	Murzin	Roberson, Y.	Williams, A.
Hays	Nehr	Rogers	Williams, T.
Heller	Nelson	Rouson	Wood
Holder	O'Toole	Sachs	Workman
Homan	Pafford	Sands	Zapata
Hooper	Patronis	Saunders	
Horner	Patterson	Schultz	

Nays—None

Votes after roll call:
Yeas—Carroll, Evers, Thompson, G.

So the bill passed, as amended, and was certified to the Senate.

Immediately Certified

On motion by Rep. Galvano, the rules were waived and **HB 7201, CS for HB 483 & HB 469**, **CS/CS/HB 697, CS/HB 173, CS/CS/HB 913, CS/CS/HB 983, CS/CS/HB 1169,** and **HB 711,** which passed the House today, were immediately certified to the Senate, and requests that the Senate pass the House Bills as passed by the House or agree to conference.

Immediately Certified

On motion by Rep. Galvano, the rules were waived and **CS for CS for SB 1238, CS for SB 1396**, **CS for SB 1436, CS for SB 1442, CS for CS for SB 1484, CS for SB 1508, CS for SB 1510, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for SB 1646, CS for SB 2020, CS for SB 2024, CS for SB 2374,** and **CS for SB 2386,** which passed the House today, were immediately certified to the Senate. The House has passed the Senate Bills as amended by the House and we accede to conference.

HR 9057—A resolution designating April 6, 2010, as "Florida State University Day."

WHEREAS, the main campus of Florida State University is located in Tallahassee on the oldest continuous site of higher education in the state and hosts the state's oldest chapter of Phi Beta Kappa, chartered in 1935, and

WHEREAS, Florida State University was designated a "Research I" doctoral-granting institution in 1994 by the Carnegie Foundation for the Advancement of Teaching, joining an elite group of the nation's top research universities, and

WHEREAS, Florida State University offers graduate and undergraduate degrees in 322 programs within 16 independent colleges and schools that are taught by 2,268 faculty members, which has included 12 National Academy of Sciences members and six Nobel Laureates, and

WHEREAS, Florida State University established its Office of National Fellowships in January 2005 and, since that date, its students have been awarded more than 40 national competitive scholarships and fellowships, including three Rhodes scholarships, three Truman scholarships, three Goldwater scholarships, the Jack Kent Cooke scholarship, the Udall scholarship, and 26 Fulbright fellowships, and

WHEREAS, Florida State University is home to the National High Magnetic Field Laboratory, where the world's most powerful magnet is used for research in unexplored areas of science and in engineering technologies for a new century, and

WHEREAS, Florida State University established the Institute for Energy Systems, Economics, and Sustainability, which is a public resource that unites researchers from the disciplines of engineering, the natural sciences, law, urban and regional planning, geography, and economics to generate research leading to the development of a successful sustainable energy strategy for the state, and

WHEREAS, the Florida State University College of Medicine, together with its statewide network of more than 1,500 physician-faculty members, is celebrating its 10th anniversary as the nation's newest fully accredited medical school as it continues to fulfill its unique statutory mission of training patient-centered physicians for elder, rural, minority, underserved, and other populations of the state, and

WHEREAS, Florida State University's longstanding tradition of promoting racial, ethnic, and cultural diversity, together with its aggressive recruitment of diverse groups of students, continues to enrich the university's college experience and the lives of its students, and

WHEREAS, on February 1, 2010, Florida State University welcomed its alumnus, Dr. Eric J. Barron, as the university's 14th president, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That April 6, 2010, is designated "Florida State University Day" in Florida in recognition of the university's contribution to the state as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the president of Florida State University, Dr. Eric J. Barron, as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Patronis, the resolution was adopted.

On motion by Rep. Patronis, the board was opened [Session Vote Sequence: 699] and the following members were recorded as cosponsors of the resolution, along with Rep. Patronis: Reps. Abruzzo, Adams, Adkins, Aubuchon, Bembry, Bernard, Bogdanoff, Bovo, Boyd, Brandenburg, Braynon, Brisé, Bullard, Burgin, Bush, Cannon, Carroll, Chestnut, Clarke-Reed, Coley, Crisafulli, Cruz, Culp, Domino, Dorworth, Drake, Eisnaugle, Evers, Fetterman, Fitzgerald, Flores, Ford, Frishe, Garcia, Gibbons, Gibson, Glorioso, Gonzalez, Grady, Grimsley, Hasner, Hays, Heller, Holder, Homan, Hooper, Horner, Hudson, Hukill, Jenne, Jones, Kelly, Kreegel, Kriseman, Legg, Llorente, Long, Lopez-Cantera, Mayfield, McBurney, McKeel, Murzin, Nehr, Nelson, O'Toole, Pafford, Patterson, Plakon, Poppell, Porth, Precourt, Rader, Randolph, Ray, Reagan, Reed, Rehwinkel Vasilinda, Renuart, Rivera, Robaina, K. Roberson, Y. Roberson, Rogers, Rouson, Sachs, Sands, Saunders, Schenck, Schultz, Schwartz, Skidmore, Snyder, Soto, Stargel, Steinberg, Taylor, N. Thompson, Thurston, Tobia, Troutman, Van Zant, Waldman, Weatherford, Weinstein, A. Williams, T. Williams, Wood, Workman, and Zapata.

Motion to Adjourn

Rep. Cannon moved that the House, after receiving reports, adjourn for the purpose of holding council and committee meetings and conducting other House business, to reconvene at 1:00 p.m., Wednesday, April 7, 2010, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5001, with 1 amendment. Having refused to pass HB 5001 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5001—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2010, and ending June 30, 2011, to pay salaries, and other expenses, capital outlay – buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5003, with 1 amendment. Having refused to pass HB 5003 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5003—A bill to be entitled An act relating to implementing the 2010-2011 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2010-2011 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds, upon certain approval, for fixed capital outlay from the Survey Recommended Needs-Public Schools appropriation category to the Maintenance, Repair, Renovation and Remodeling appropriation category; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits; amending s. 932.7055, F.S.; delaying the expiration of provisions authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; amending s. 394.908, F.S.; providing allocation requirements for specified funds appropriated for forensic mental health services; requiring that funds appropriated through the Community-Based Medicaid Administrative Claiming Program be allocated proportionately to contributed provider earnings; amending s. 215.5602, F.S.; suspending for the 2010-2011 fiscal year the reservation of a portion of certain funds in the Health Care Trust Fund for certain research purposes; extending the expiration date of the James and Esther King Biomedical Research Program; amending s. 381.992, F.S.; deleting an obsolete authorization of funding for the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; extending the expiration date of the program; prohibiting any state agency from adopting or implementing a rule or policy mandating or establishing new nitrogen-reduction limits under certain circumstances; requiring the Florida Catastrophic Storm Risk Management Center at Florida State University to conduct an analysis; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; reenacting s. 255.518(1)(b), F.S., relating to payment of obligations during the construction of any facility financed by such obligations; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; amending s. 375.041, F.S.; authorizing transfer of moneys in the Land Acquisition Trust Fund to the Water Quality Assurance Trust Fund for the Total Maximum Daily Loads Program, the Drinking Water Facility Construction-State Revolving Loan Fund, and the Wastewater Facility Treatment Construction-State Revolving Loan Fund as provided in the General Appropriations Act; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants equally to certain counties for waste tire and litter prevention, recycling education, and general solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 339.135, F.S.; providing for use of transportation revenues; requiring that the Department of Transportation transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding transportation-related needs of economic development projects; reviving, reenacting, and amending s. 443.1117, F.S.; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing applicability; providing a declaration of important state interest; providing that funds appropriated from the Economic Development Transportation Trust Fund may be used to attract new space business to the state and for other specified needs for the development of aviation and aerospace operations; amending s. 216.292, F.S.; permitting the Legislative Budget Commission to review and approve recommendations by the Governor for fixed capital outlay projects funded by grants awarded from the American Recovery and Reinvestment Act of 2009 or by any other federal economic stimulus grant funding received; authorizing the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 in traditional appropriation categories in the General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated for the act; reenacting s. 288.1254(4)(c) and (d), F.S., relating to the entertainment industry financial incentive program, to continue the amount of incentive funding to be appropriated in any fiscal year for the independent Florida filmmaker queue and the digital media projects queue; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; authorizing the transfer of funds from the State Transportation Trust Fund to the General Revenue Fund under certain circumstances; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers' compensation coverage; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning the budget authority granted to each agency with the reductions in employee compensation; authorizing the heads of agencies to terminate staff and make personnel and salary adjustments and reductions to maximize efficiency of agency operations; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; providing that the annual salary of the members of the Legislature be reduced by a specified percentage; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2010-2011 General Appropriations Act; providing for the authorization and issuance of new debt; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; providing for future expiration of various provisions; providing for reversion of statutory text of certain provisions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

(Amendment Bar Code: 786962)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2010-2011 fiscal year.

Section 2. In order to implement sections 2 through 7 of the 2010-2011 General Appropriations Act, paragraph (b) of subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(5)

(b) Notwithstanding paragraph (a), and for the 2010-2011 ~~2009-2010~~ fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009. All actions taken pursuant to the authority granted in the paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2011 ~~2010~~.

Section 3. In order to implement sections 2 through 7 of the 2010-2011 General Appropriations Act, the Executive Office of the Governor is authorized to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 (ARRA) in traditional appropriation categories in the 2010-2011 General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated for the ARRA. This section expires July 1, 2011.

Section 4. In order to implement section 8 of the 2010-2011 General Appropriations Act, paragraph (j) is added to subsection (3) of section 110.123, Florida Statutes, to read

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(j) Notwithstanding the provisions of paragraph (f) requiring uniform contributions, and for the 2010-2011 fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution. This section expires June 30, 2011.

Section 5. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2010-2011 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2010-2011 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2011.

Section 6. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2010-2011 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2010-2011 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2011.

Section 7. In order to implement Specific Appropriations 2768 and 2769 of the 2010-2011 General Appropriations Act:

(1) Notwithstanding the provisions of s. 11.13(1), Florida Statutes, relating to the annual adjustment of salaries for members of the Legislature, to the contrary, for the 2010-2011 fiscal year only, the authorized salaries of members of the Legislature in effect on June 30, 2010, shall be reduced by 7 percent.

(2) Effective June 30, 2011, the annual salaries of members of the Legislature shall be set at the amounts authorized and in effect on June 30, 2010, pursuant to subsection (2) of section 48 of chapter 2009-82, Laws of Florida.

(3) This section expires July 1, 2011.

Section 8. In order to implement Specific Appropriations for salaries and benefits in the 2010-2011 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(b)1. The assignment of an employee of a state agency either on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

2. For the 2010-2011 ~~2009-2010~~ fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on General Government and Health Care. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, 2011 ~~2010~~.

Section 9. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2010-2011 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception

of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 10. Paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection.

Section 11. In order to implement the issuance of new debt authorized in the 2010-2011 General Appropriations Act, and pursuant to the requirements of s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2010-2011 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

Section 12. In order to implement Specific Appropriations 3238 through 3260 of the 2010-2011 General Appropriations Act, the Office of State Courts Administrator shall report by February 15, 2011, to the chairs of the Senate Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on Education and Economic Development, the number of assigned new and reopened cases and the number of cases closed by each judge in each division and circuit for the period January 1, 2010, through December 31, 2010.

Section 13. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 639, 651, 663, and 1188 of the 2010-2011 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and that are associated with opening or operating a facility under the authority of the respective department. The amount paid for any facility may not exceed 1 percent of the cost to construct the facility, less building impact fees imposed by the municipality or county. This section expires July 1, 2011.

Section 14. In order to implement section VII of the 2010-2011 General Appropriations Act, paragraph (c) is added to subsection (4) of section 29.008, Florida Statutes, to read:

29.008 County funding of court-related functions.—

(4)

(c) Counties are exempt from all requirements and provisions of paragraph (a) for the 2010-2011 fiscal year. Accordingly, for the 2010-2011 fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the 2011-2012 fiscal year. This paragraph expires July 1, 2011.

Section 15. In order to implement Specific Appropriations 629 through 728 and 747 through 781 of the 2010-2011 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2010-2011 ~~2009-2010~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 19, 2010 ~~April 30, 2009~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2011 ~~2010~~.

Section 16. In order to implement Specific Appropriations 1343 and 1344 of the 2010-2011 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years. This section expires July 1, 2011.

Section 17. In order to implement Specific Appropriations 324 through 345 of the 2010-2011 General Appropriations Act, paragraph (b) of subsection (3) of section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity in the funding of

substance abuse and mental health services for the department's districts and regions and to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used:

(3)

(b) Notwithstanding paragraph (a) and for the 2010-2011 ~~2009-2010~~ fiscal year only, funds appropriated for forensic mental health treatment services shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This paragraph expires July 1, 2011 ~~2010~~.

Section 18. In order to implement Specific Appropriations 2379 through 2401 of the 2010-2011 General Appropriations Act, subsection (14) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(14) Notwithstanding the provisions of this section, funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund. This subsection expires July 1, 2011 ~~2010~~.

Section 19. In order to implement Specific Appropriation 1708Q of the 2010-2011 General Appropriations Act, paragraph (b) of subsection (1) of section 255.518, Florida Statutes, is reenacted to read:

255.518 Obligations; purpose, terms, approval, limitations.—

(1)

(b) Payment of debt service charges on obligations during the construction of any facility financed by such obligations shall be made from funds other than proceeds of obligations.

Section 20. The amendment to s. 255.518(1)(b), Florida Statutes, as carried forward by this act from chapter 2008-153 and chapter 2009-82, Laws of Florida, shall expire July 1, 2011, and the text of that paragraph shall revert to that in existence on June 30, 2008, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 21. In order to implement Specific Appropriation 1692 of the 2010-2011 General Appropriations Act, subsection (12) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding the provisions of subsection (8) and for the 2010-2011 ~~2009-2010~~ fiscal year only, the moneys from the Water Management Lands Trust Fund shall be allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds;

(b) Eight million dollars to be transferred to the General Revenue Fund; and

(c) The remaining funds to be distributed equally between the Suwannee River Water Management District and the Northwest Florida Water Management District.

This subsection expires July 1, 2011 ~~2010~~.

Section 22. In order to implement Specific Appropriations 1763, 1789, and 1790 of the 2010-2011 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)

(b) In addition to the uses allowed in paragraph (a), for the 2010-2011 ~~2008-2009~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for transfer to support the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Total Maximum Daily Loads programs ~~the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects~~ as provided in the General Appropriations Act. This paragraph expires July 1, 2011 ~~2009~~.

Section 23. In order to implement Specific Appropriations 1765, 1766, 1767, 1769, and 1769A, paragraph (g) of subsection (1) of section 403.1651, Florida Statutes, is reenacted to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212.

Section 24. The amendment to s. 403.1651(1)(g), Florida Statutes, as carried forward by this act from chapter 2009-82, Laws of Florida, shall expire July 1, 2011, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 25. In order to implement Specific Appropriations 1396A, 1456, 1491A, and 1493A of the 2010-2011 General Appropriations Act, subsection (3) is added to section 403.1651, Florida Statutes, to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(3) For the 2010-2011 fiscal year only, moneys in the Ecosystems Management and Restoration Trust Fund are authorized for transfer to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the Farm Share, Food Banks, and Mosquito Control programs, and the Technological Research and Development Authority. This subsection expires July 1, 2011.

Section 26. In order to implement Specific Appropriations 1378 through 1538 of the 2010-2011 General Appropriations Act, subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) For the 2010-2011 ~~2009-2010~~ fiscal year only and notwithstanding any other provision of law to the contrary, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, 2011 ~~2010~~.

Section 27. In order to implement Specific Appropriation 1833 of the 2010-2011 General Appropriations Act, subsection (7) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(7) Notwithstanding any provision of this section to the contrary, and for the 2010-2011 ~~2009-2010~~ fiscal year only, the Department of Environmental Protection shall award the sum of $1,775,207 ~~$2,600,000~~ in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2011 ~~2010~~.

Section 28. In order to implement Specific Appropriation 1490 of the 2010-2011 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services, at its discretion, may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2011.

Section 29. In order to implement Specific Appropriations 2646H through 2646O provided in the 2010-2011 General Appropriations Act, the Executive Office of the Governor shall sell the King Air 350 airplane. The receipts from the sale shall be deposited into the Bureau of Aircraft Trust Fund and expended in accordance with s. 287.161, Florida Statutes. Receipts from the sale are exempt from the service charge imposed pursuant to s. 215.20, Florida Statutes.

Section 30. Notwithstanding any provision in chapter 287, Florida Statutes, to the contrary, the Department of Financial Services shall issue, by January 1, 2011, a solicitation for office supplies, and subsequently award a multiple-supplier contract with at least three awarded vendors.

Section 31. In order to implement Specific Appropriation 2125 in the 2010-2011 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5) ADOPTION OF THE WORK PROGRAM.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any roll forwards approved pursuant to paragraph (6)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(b) Notwithstanding paragraph (a), and for the 2010-2011 ~~2009-2010~~ fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to $20,300,000 for the purpose of funding transportation-related needs of economic development projects, space and aerospace infrastructure, and urban redevelopment infrastructure projects. This transfer does ~~shall~~ not reduce, delete, or defer any existing projects funded, as of July 1, 2010 ~~2009~~, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2011 ~~2010~~.

Section 32. In order to implement section 34 of the 2010-2011 General Appropriations Act, paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System. This paragraph expires July 1, 2011 ~~2010~~.

Section 33. In order to implement Specific Appropriation 2112 of the 2010-2011 General Appropriations Act, paragraph (p) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(p) To pay for county and school district transportation infrastructure improvements. This paragraph expires July 1, 2011 ~~2010~~.

Section 34. In order to implement Specific Appropriation 2214 of the 2010-2011 General Appropriations Act, subsection (11) of section 445.009, Florida Statutes, is amended to read:

445.009 One-stop delivery system.—

(11)(a) A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

(b) This subsection expires July 1, 2011 ~~2010~~.

Section 35. In order to implement Specific Appropriations 1557 through 1560 of the 2010-2011 General Appropriations Act, paragraph (d) of subsection (3) of section 163.3247, Florida Statutes, is amended to read:

163.3247 Century Commission for a Sustainable Florida.—

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(d) Members of the commission shall serve without compensation ~~but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties~~.

Section 36. The amendment to s. 163.3247(3)(d), Florida Statutes, made by this act shall expire July 1, 2011, and the text of that paragraph shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 37. In order to implement Specific Appropriations 1557 through 1560 of the 2010-2011 General Appropriations Act, paragraph (c) of subsection (1) of section 201.15, Florida Statutes, as amended by section 2 of chapter 2009-271, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first $60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year~~, with 92 percent to be used~~ to fund technical assistance to local governments and school boards on the requirements and

implementation of this act ~~and the remaining amount to be used to fund the Century Commission established in s. 163.3247~~.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 38. The amendment to s. 201.15(1)(c)2., Florida Statutes, made by this act shall expire July 1, 2011, and the text of that subparagraph shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 39. In order to implement Specific Appropriations 1567, 1569, 1571, 1575, 1594, 1596, 1598, and 1617 of the 2010-2011 General Appropriations Act, subsection (8) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(8)(a) Notwithstanding any other provision of this section and for the 2010-2011 ~~2008-2009~~ fiscal year only, the $10 million appropriation provided for in subsection (1) shall be allocated as follows:

1. The sum of $2.7 ~~$2.8~~ million shall be used to inspect and improve tie-downs for mobile homes for the same purpose as specified in paragraph (3)(a).

2. The sum of $3 million shall be used for operating costs of the State Logistics Response Center and the original purposes identified in paragraph (2)(b), as appropriated ~~$700,000 shall be allocated to the Florida International University for the same purpose as specified in subsection (4)~~.

3. The sum of $4,192,389 ~~$6,421,764~~ shall be competitively bid for the purposes provided in paragraph (2)(a) ~~used to install emergency power generators in special-needs hurricane evacuation shelters as provided in s. 1, ch. 2006-71, Laws of Florida, except that such funds may not be used for administrative purposes~~.

4. The sum of $107,611 ~~$78,236~~ shall be allocated for operational purposes of the department as specified in the 2010-2011 ~~2008-2009~~ General Appropriations Act.

(b) This subsection expires July 1, 2011 ~~2009~~.

Section 40. In order to implement Specific Appropriation 2072 of the 2010-2011 General Appropriations Act, subsection (8) of section 332.007, Florida Statutes, is reenacted to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to fund security projects, including operational and maintenance assistance, at publicly owned public-use airports. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. This subsection shall expire on June 30, 2012.

Section 41. The amendment to s. 332.007(8), Florida Statutes, as carried forward by this act from chapter 2009-82, Laws of Florida, shall expire July 1, 2011, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 42. In order to implement Specific Appropriation 18 of the 2010-2011 General Appropriations Act, paragraph (c) is added to subsection (3) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177:

(c) The transfer of appropriations for fixed capital outlay from the Survey Recommended Needs - Public Schools appropriation category to the Maintenance, Repair, Renovation, and Remodeling appropriation category. The allocation of transferred funds shall be in accordance with s. 1013.64(1). This paragraph expires July 1, 2011.

Section 43. In order to implement the appropriations authorized in the 2010-2011 General Appropriations Act for each of the state's designated primary data centers, which are funded from the data processing appropriation category and other categories used to pay for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the 2010-2011 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 44. In order to implement the appropriations authorized in the 2010-2011 General Appropriations Act which were submitted pursuant to the provisions of s. 17 of chapter 2008-116, Laws of Florida, and notwithstanding s. 216.181(1)(c), Florida Statutes, an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.

Section 45. In order to implement Specific Appropriation 2179B, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Expenses" of the 2010-2011 General Appropriations Act between agencies in order to allocate a reduction relating to SUNCOM Services. This section expires July 1, 2011.

Section 46. (1) In order to implement Specific Appropriations 1119 through 1126, 1167 through 1185, 1194, and 1199, the Department of Juvenile Justice must comply with the following reimbursement limitations:

(a) No payment to a hospital or a health care provider may exceed 110 percent of the Medicare allowable rate for any health care services provided if no contract exists between the department and either the hospital or the health care provider providing services at a hospital;

(b) The department may continue to make payments for health care services at the currently contracted rates through the current term of the contract if a contract has been executed between the department and a hospital or a health care provider providing services to a hospital; however, no payments may exceed 110 percent of Medicare allowable rate after the current term of the contract expires or after the contract is renewed during the 2010-2011 fiscal year;

(c) Payments may not exceed 110 percent of the Medicare allowable rates under a contract executed on or after July 1, 2010, between the department and a hospital or health care provider providing services at a hospital;

(d) Notwithstanding the limitations of paragraphs (a), (b), and (c), the department may pay up to 125 percent of the Medicare allowable rate for health care services at a hospital that reports or has reported a negative operating margin for the prior fiscal year to the Agency for Health Care Administration through hospital-audited financial data; and

(e) The department may not execute a contract for health care services at hospitals for rates other than rates based on a percentage of the Medicare allowable rate.

(2) For purposes of this section, "hospital" means any hospital licensed under chapter 395, Florida Statutes.

(3) This section expires July 1, 2011.

Section 47. Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2010-2011 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2010-2011 General

Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 48. If any other act passed in 2010 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and continue to operate, notwithstanding the future repeal provided by this act.

Section 49. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 50. This act shall take effect July 1, 2010; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2010.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act implementing the 2010-2011 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; delaying the expiration of provisions providing for the Legislative Budget Commission to review and approve recommendations by the Governor for fixed capital outlay projects funded by grants awarded from the American Recovery and Reinvestment Act of 2009; authorizing the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 in traditional appropriation categories in the General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated pursuant to that act; providing for future expiration; amending s. 110.123, F.S., relating to the state group insurance program; requiring that, for the 2010-2011 fiscal year only, the state contribution toward the cost of a plan is the difference between the overall premium and the employee contribution; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; providing that the annual salary of the members of the Legislature be reduced by 7 percent; providing for future expiration; amending s. 112.24, F.S.; delaying the expiration of provisions providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2010-2011 General Appropriations Act; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; requiring that the Office of State Courts Administrator report to the Legislature the number of assigned new and reopened cases and the number of cases closed by each judge in each division and circuit for a specified period; authorizing the Department of Corrections and the Department of Juvenile Justice to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 29.008, F.S.; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage for the 2010-2011 fiscal year; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; amending s. 394.908, F.S.; delaying the expiration of a provision requiring that funds appropriated for forensic mental health treatment services be allocated to certain areas of the state; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 373.59, F.S.; delaying the expiration of provisions providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Clean Water State Revolving Fund and Drinking Water State Revolving Fund programs, rather than to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects; providing for future expiration; reenacting s. 403.1651(1)(g), F.S., relating to the use of funds from the Ecosystem Management and Restoration Trust Fund for the purpose of funding activities to preserve and repair the state's beaches; providing for future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 403.1651, F.S.; providing for the transfer of moneys from the Ecosystem Management and Restoration Trust Fund to the General Inspection Trust Fund for the Farm Share, Food Banks, and Mosquito Control program and the Technological Research and Development Authority; providing for future expiration; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 403.7095, F.S.; delaying the expiration of provisions requiring that the Department of Environmental Protection award a specified amount in grants equally to certain counties for waste tire and litter prevention, recycling education, and general solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promoting agriculture; providing for future expiration; requiring the Executive Office of the Governor to sell the King Air 350 airplane; requiring the receipts from the sale of the airplane to be deposited into the Bureau of Aircraft Trust Fund; requiring the Department of Financial Services to issue a solicitation for office supplies and award a multiple supplier contract by a specified date; amending s. 339.135, F.S.; delaying the expiration of provisions requiring that the Department of Transportation transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding transportation-related needs of economic development; authorizing such funds to be used for the additional purposes of space and aerospace infrastructure and urban redevelopment infrastructure projects; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; delaying the expiration of provisions authorizing the Department of Transportation to use moneys from the State Transportation Trust Fund to pay for county and school district transportation infrastructure improvements; amending s. 445.009, F.S.; delaying the expiration of provisions designating participants in an adult or youth work experience activity under ch. 445, F.S., as employees of the state for purposes of workers' compensation coverage; amending s. 163.3247, F.S.; removing a provision that

entitles members of the Century Commission for a Sustainable Florida to receive per diem and travel expenses; providing for future expiration of the amendment to such provision and for the reversion of statutory text; amending s. 201.15, F.S.; revising provisions relating to funds deposited into the Grants and Donations Trust Fund in the Department of Community Affairs which are used to fund the Century Commission; providing for future expiration of the amendment to such provision and for the reversion of statutory text; amending s. 215.559, F.S.; delaying the expiration of provisions relating to the Hurricane Loss Mitigation Program; revising the amount appropriated for the purpose of inspecting and improving tie-downs for mobile homes; providing an appropriation to the State Logistics Response Center for certain purposes; providing an appropriation to be competitively bid to improve the wind resistance of residences and mobile homes; revising the amount allocated for the operational purposes; reenacting s. 332.007(8), F.S., relating to the funding of security projects at publicly owned public-use airports; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 216.292, F.S.; authorizing the transfer of funds for fixed capital outlay between specified appropriation categories; providing for future expiration; authorizing the Executive Office of the Governor to transfer funds for use by the state's designated primary data centers, pursuant to statutory procedures for notice, review, and objection; authorizing agencies to transfer funds from data processing appropriation categories to other appropriation categories in order to support and manage computer resources, notwithstanding other provisions of law; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; providing for future expiration; requiring that the Department of Juvenile Justice comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; providing for future expiration; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions, notwithstanding a future repeal or expiration provided by the act; providing for severability; providing for contingent retroactive application; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 5101, with 1 amendment. Having refused to pass CS for HB 5101 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

CS/HB 5101—A bill to be entitled An act relating to prekindergarten through grade 12 education funding; amending s. 212.055, F.S.; deleting the requirement that a district school board imposing the school capital outlay surtax implement a freeze on noncapital local school property taxes; amending s. 216.292, F.S.; deleting provisions relating to the transfer of certain funds for class size reduction; amending s. 1001.451, F.S.; revising provisions relating to the appropriation of funds for regional consortium service organizations; amending s. 1002.32, F.S.; revising and correcting a calculation relating to funding for lab school operating purposes; amending s. 1002.33, F.S.; providing that certain capital outlay funds shared with a charter school-in-the-workplace have met expenditure requirements; revising provisions relating to the withholding of an administrative fee for provision of services by the sponsor of a charter school; amending s. 1002.37, F.S.; revising and correcting a calculation relating to funding for Florida Virtual School operating purposes; amending s. 1002.39, F.S.; revising provisions relating to private school documentation for quarterly scholarship payments under the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.45, F.S.; providing additional conditions by which a student may become eligible to enroll in a school district virtual instruction program; requiring district school boards to develop plans for meeting class size requirements; requiring public hearings; prohibiting certain campaigning; amending s. 1003.03, F.S., contingent on voter approval of a joint resolution that provides that the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher by specified grade grouping in each public school beginning with the 2010-2011 school year; conforming requirements for maximum class size to the joint resolution; providing for Department of Education calculations for implementation; providing an additional implementation option; providing for a reduction in a school district's class-size-reduction operating categorical allocation if a school district's class size exceeds the class size maximums; providing for contingent and retroactive effect; amending s. 1003.03, F.S., contingent on the voters not approving a joint resolution that provides that the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher by specified grade grouping in each public school beginning with the 2010-2011 school year; providing for Department of Education calculations for implementation; providing an additional implementation option; providing for a reduction in a school district's class-size-reduction operating categorical allocation if a school district's class size exceeds the class size maximums; providing for contingent and retroactive effect; creating s. 1003.572, F.S.; requiring each district school board to annually report information relating to gifted students and the education services provided to such students; requiring the State Board of Education to adopt rules; creating s. 1006.281, F.S.; encouraging school districts to have access to electronic learning management systems with certain functionality; amending s. 1006.29, F.S.; revising items considered instructional materials for purposes of state adoption; providing that certain instructional materials shall be available as separate and unbundled items; amending s. 1006.33, F.S.; requiring that certain instructional materials shall primarily be adopted and delivered in electronic format; providing for electronic samples of instructional materials; amending s. 1006.34, F.S.; authorizing the Commissioner of Education to add instructional materials to the list of recommendations of state instructional materials committees in certain circumstances; amending s. 1006.40, F.S.; revising provisions relating to the use of allocations for instructional materials; amending s. 1007.27, F.S.; providing that certain students shall be deemed authorized users of specified state-funded electronic library resources; requiring the State Board of Education and the Board of Governors to adopt rules; amending s. 1011.62, F.S.; providing for the expenditure of funds appropriated for the International Baccalaureate Program; revising the calculation of and appropriation for additional full-time equivalent membership for students who complete an industry-certified career and professional academy program; revising calculations for school district required local effort; revising provisions relating to the transfer of categorical funds for certain purposes; providing requirements for the use of categorical funds for the purchase of technological equipment; revising the calculation for determination of the sparsity supplement; providing a restriction on certain calculations for allocation of state funds to a school district for current operation; amending s. 1011.67, F.S.; deleting certain requirements for distribution of funds for instructional materials to school districts; amending s. 1011.68, F.S.; revising a calculation for allocation of funds for student transportation to school districts; amending s. 1011.71, F.S.; requiring that the levy of certain school district millage must be approved by voters at specified elections; providing restrictions; amending s. 1011.73, F.S.; correcting a cross-reference; amending s. 1012.55, F.S.; authorizing positions for which certification is required for personnel who provide instruction to students through a virtual environment or through a blended virtual and physical environment; amending s. 1013.62, F.S.; authorizing capital outlay funding for a charter school-in-the-workplace; providing effective dates.

(Amendment Bar Code: 348544)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (d) and (e) of subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

~~(d) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or taxes authorized in the General Appropriations Act.~~

(d)~~(c)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 2. Paragraph (d) of subsection (2) of section 216.292, Florida Statutes, is repealed.

Section 3. Subsection (3) of section 1001.395, Florida Statutes, is amended to read:

1001.395 District school board members; compensation.—

(3) Notwithstanding the provisions of this section and s. 145.19, for the 2010-2011 ~~2009-2010~~ fiscal year, the salary of each district school board member shall be the amount calculated pursuant to subsection (1) or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Section 4. Paragraph (c) of subsection (2) of section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)

(c) Notwithstanding paragraph (a), the appropriation for any ~~the 2009-2010~~ fiscal year may be less than $50,000 per school district and eligible member. If the amount appropriated is insufficient to provide $50,000, the funds available must be prorated among all eligible districts and members. ~~This paragraph expires July 1, 2010.~~

Section 5. Paragraph (d) of subsection (9) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter lab school, shall be provided as follows:

(d) Each lab school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 95 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act to the Lab School Trust Fund.

Section 6. Paragraph (a) of subsection (16), paragraph (d) of subsection (18), subsection (19), and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:

1. Those statutes specifically applying to charter schools, including this section.

2. Those statutes pertaining to the student assessment program and school grading system.

3. Those statutes pertaining to the provision of services to students with disabilities.

4. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

5. Those statutes pertaining to student health, safety, and welfare.

6. Those statutes pertaining to maximum class size.

(18) FACILITIES.—

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80;~~,~~ fees for building and occupational licenses;~~,~~ impact fees or exactions;~~,~~ service availability fees;~~,~~ and assessments for special benefits.

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible for capital outlay funds pursuant to s. 1013.62. Capital outlay funds authorized in s. 1011.71(2) which have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

2. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students. However, a sponsor may only withhold up to a 5 percent ~~5 percent~~ administrative fee for enrollment for up to and including 250 ~~500~~ students. For charter schools with a population of 251 ~~501~~ or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2).

3. In addition, a sponsor may withhold only up to a 5 percent administrative fee for enrollment for up to and including 500 students within the system for a system of charter schools which meets all of the following:

a. Includes both conversion charter schools and non-conversion charter schools;

b. All schools are located in the same municipality in the same county;

c. Has a total enrollment exceeding the total enrollment of at least one county school district in the state;

d. Has the same governing board; and

e. Does not contract with a for-profit service provider for management of school operations.

4. The difference between the total administrative fee calculation and the amount of the administrative fee withheld for such system of charter schools

may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(2).

5. Each charter school shall receive 100 percent of the funds awarded to that school pursuant to s. 1012.225. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5 percent ~~5 percent~~ administrative fee withheld pursuant to this paragraph.

Section 7. Paragraphs (a) and (f) of subsection (3) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(a) A "full-time equivalent student" for the Florida Virtual School is one student who has successfully completed six credits that shall count toward the minimum number of credits required for high school graduation. A student who completes less than six credits shall be a fraction of a full-time equivalent student. Half-credit completions shall be included in determining a full-time equivalent student. Half-credits earned by a student 20 weeks or more after beginning the course, and credits earned by a student 40 weeks or more after beginning the course, are not eligible to be funded and may not be reported. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.

(f) The Florida Virtual School shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 95 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act.

Section 8. Paragraphs (a) and (b) of subsection (1), paragraph (a) of subsection (2), and subsections (7) and (12) of section 1002.45, Florida Statutes, are amended to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

(a) For purposes of this section, the term:

1. "Approved provider" means a provider that is approved by the Department of Education under subsection (2), the Florida Virtual School, ~~or~~ a franchise of the Florida Virtual School, or a public community college.

2. "Virtual instruction program" means a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both, and in which a Florida-certified teacher under chapter 1012 is responsible for at least:

a. Fifty percent of the direct instruction to students in kindergarten through grade 5; or

b. Eighty percent of the direct instruction to students in grades 6 through 12.

(b) Beginning with the 2009-2010 school year, each school district shall provide eligible students within its boundaries the option of participating in a virtual instruction program. The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall be:

1. Full-time for students enrolled in kindergarten through grade 12.

2. Full-time or part-time for students in grades 9 through 12 who are enrolled in dropout prevention and academic intervention programs under s. 1003.53, ~~or~~ Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements, or community colleges ~~in grades 9 through 12~~.

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually provide school districts with a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012, and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Possesses prior, successful experience offering online courses to elementary, middle, or high school students; ~~and~~

5. Is accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation; and~~.~~

6. If the provider is a community college, its instructors meet the certification requirements for instructional staff.

(7) FUNDING.—

(a) For purposes of a school district virtual instruction program, "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c) 1.b.(III) or (IV).

(b) The school district in which the student resides shall report full-time equivalent students for the school district virtual instruction program to the department in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program. Funds received by the school district of residence for a student in a virtual instruction program provided by another school district under this section shall be transferred to the school district providing the virtual instruction program.

(c) A community college provider may not report students who are served in a school district virtual instruction program for funding under the Community College Program Fund.

~~(12) STUDY. The department shall review the advisability of legislatively authorizing school districts to contract with approved private providers for the provision of part-time virtual instruction programs for students in grades 9 through 12 who are not enrolled in programs under ss. 1003.52 and 1003.53. The department shall report its findings and recommendations to the presiding officers of the Legislature and the Governor by January 15, 2010.~~

Section 9. Paragraphs (c) and (f) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(c) The private prekindergarten provider must have, for each prekindergarten class composed of 12 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Family Services may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. The prekindergarten instructor must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a prekindergarten instructor who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the establishment of one or more emergent literacy training courses under s. 1002.59 or April 1, 2005, whichever occurs later.

(f) Each of the private prekindergarten provider's prekindergarten classes must be composed of at least 4 students but may not exceed 24 ~~18~~ students. In order to protect the health and safety of students, each private prekindergarten provider must also provide appropriate adult supervision for students at all

times and, for each prekindergarten class composed of 13 to 20 ~~11 or more~~ students, must have, in addition to a prekindergarten instructor who meets the requirements of paragraph (c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of paragraph (d). Each prekindergarten class composed of 21 to 24 students must have an additional prekindergarten instructor who meets the requirements of paragraph (c). This paragraph does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

Section 10. Subsection (7) of section 1002.63, Florida Statutes, is amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(7) Each prekindergarten class in a public school delivering the school-year prekindergarten program must be composed of at least 4 students but may not exceed 24 ~~18~~ students. In order to protect the health and safety of students, each school must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 13 to 20 ~~11 or more~~ students, must have, in addition to a prekindergarten instructor who meets the requirements of s. 1002.55(3)(c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of subsection (5). Each prekindergarten class composed of 21 to 24 students must have an additional prekindergarten instructor who meets the requirements of paragraph (c).

Section 11. Subsection (7) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2010-2011 ~~2008-2009~~ fiscal year, each early learning coalition may retain and expend no more than 4.5 ~~4.85~~ percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 12. Subsections (2), (3), and (4) of section 1003.03, Florida Statutes, are amended to read:

1003.03 Maximum class size.—

(2) IMPLEMENTATION.—The Department of Education shall annually calculate class size measures defined in subsection (1) based upon the October student membership survey, except that the calculation for 2010-2011 shall be based on the February student membership survey.

~~(a) Beginning with the 2003-2004 fiscal year, each school district that is not in compliance with the maximums in subsection (1) shall reduce the average number of students per classroom in each of the following grade groupings: prekindergarten through grade 3, grade 4 through grade 8, and grade 9 through grade 12, by at least two students each year.~~

~~(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:~~

~~1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.~~

~~2. For fiscal years 2006-2007 through 2009-2010, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.~~

~~3. For fiscal year 2010-2011 and thereafter, the calculation for compliance shall be at the individual classroom level.~~

~~4. For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.~~

~~(c) The Department of Education shall annually calculate each of the three average class size measures defined in paragraphs (a) and (b) based upon the October student membership survey. For purposes of determining the baseline from which each district's average class size must be reduced for the 2003-2004 school year, the department shall use data from the February 2003 student membership survey updated to include classroom identification numbers as required by the department.~~

~~(d) Prior to the adoption of the district school budget for 2004-2005, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximums described in subsection (1) are exempt from this requirement.~~

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1) ~~and the two-student-per-year reduction required in subsection (2)~~:

(a) Adopt policies to encourage qualified students to take dual enrollment courses.

(b) Adopt policies to encourage students to take courses from the Florida Virtual School and school district virtual instruction programs.

(c)1. Repeal district school board policies that require students to have more than 24 credits to graduate from high school.

2. Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.

(d) Use methods to maximize use of instructional staff, such as changing required teaching loads and scheduling of planning periods, deploying district employees that have professional certification to the classroom, using adjunct educators, or any other method not prohibited by law.

(e) Use innovative methods to reduce the cost of school construction by using prototype school designs, using SMART Schools designs, participating in the School Infrastructure Thrift Program, or any other method not prohibited by law.

(f) Use joint-use facilities through partnerships with community colleges, state universities, and private colleges and universities. Joint-use facilities available for use as K-12 classrooms that do not meet the K-12 State Regulations for Educational Facilities in the Florida Building Code may be used at the discretion of the district school board provided that such facilities meet all other health, life, safety, and fire codes.

(g) Adopt alternative methods of class scheduling, such as block scheduling.

(h) Redraw school attendance zones to maximize use of facilities while minimizing the additional use of transportation.

(i) Operate schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.

(j) Use year-round schools and other nontraditional calendars that do not adversely impact annual assessment of student achievement.

(k) Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.

(l) Use any other approach not prohibited by law.

(4) ACCOUNTABILITY.—

~~(a) 1. Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s.~~

~~216.292(2)(d). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.~~

~~2. In lieu of the transfer required by subparagraph 1., the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction if the commissioner finds that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.~~

~~3. For the 2007-2008 fiscal year and thereafter, if in any fiscal year funds from a district's class size operating categorical are required to be transferred to its fixed capital outlay fund and the district's class size operating categorical allocation in the General Appropriations Act for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a 50 percent reduction in the amount of the transfer.~~

(a)~~(b) Beginning in the 2010-2011 fiscal year and each year thereafter,~~ If the department determines that the number of students assigned to any individual class exceed ~~exceeds~~ the class size maximum, as required in subsection (1) ~~(2)~~, at the time of the third FEFP calculation, except in 2010-2011 at the time of the fourth calculation, the department shall:

1. Identify, for each grade group, the number of classes in which ~~the enrollment exceeds the maximum,~~ the number of students exceed ~~which exceeds~~ the maximum ~~for each class~~, and the total number of students that exceed ~~which exceeds~~ the maximum for all classes.

2. Determine the number of full-time equivalent students that exceed ~~which exceeds~~ the maximum ~~class size~~ for each grade group.

3. Multiply the total number of FTE students that exceed ~~which exceeds~~ the maximum ~~class size~~ for each grade group by the district's FTE dollar amount of the class-size-reduction allocation for that year and calculate the total for all three grade groups.

4. Multiply the total number of FTE students that exceed the maximum for all classes by the amount of the base student allocation adjusted by the district's district cost differential.

5.~~4.~~ Reduce the district's class-size-reduction operating categorical allocation by an amount equal to the sum of the calculations ~~calculation~~ in subparagraphs ~~subparagraph~~ 3. and 4. The commissioner is authorized to withhold the distribution of class size allocation reduction funds to the extent necessary to comply with this section.

(b)~~(c)~~ Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and no later than March 1 of each year, the Executive Office of the Governor shall place these funds in reserve, and the undistributed funds shall revert to the General Revenue Fund unallocated at the end of the fiscal year. The amount of funds reduced shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class-size-reduction operating categorical allocation.

(c)~~(d)~~ In lieu of the reduction calculation in paragraph (a) ~~(b)~~, if the Commissioner of Education has evidence that a district was unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, he or she may recommend a budget amendment, subject to approval of the Legislative Budget Commission, to reduce an alternative amount of funds from the district's class-size-reduction operating categorical allocation. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

(d) The March 1 and February 15 dates in paragraphs (b) and (c) do not apply for the 2010-2011 fiscal year.

~~(e)In addition to the calculation required in paragraph (a), at the time of the third FEFP calculation for the 2009-2010 fiscal year, the department shall also prepare a simulated calculation based on the requirements in paragraphs (b) and (c). This simulated calculation shall be provided to the school districts and the Legislature.~~

Section 13. Effective upon approval by the electors of Senate Joint Resolution 2 or House Joint Resolution 7039 in the 2010 General Election and retroactive to the beginning of the 2010-2011 school year, section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year:

(a) The average number of students at the school level assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students and the maximum number of students assigned to a teacher in an individual class may not exceed 21 students.

(b) The average number of students at the school level assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students and the maximum number of students assigned to a teacher in an individual class may not exceed 27 students.

(c) The average number of students at the school level assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students and the maximum number of students assigned to a teacher in an individual class may not exceed 30 students.

~~(a) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.~~

~~(b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students.~~

~~(c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.~~

(2) IMPLEMENTATION.—The Department of Education shall annually calculate class size as defined in subsection (1) based upon the October student membership survey, except that the calculation for the 2010-2011 school year shall be based on the February student membership survey. The calculation for compliance for each of the three grade groupings shall be the number of students assigned to each teacher in an individual class and the average number of students at the school level assigned to each teacher. Each teacher assigned to any classroom shall be included in the calculation for compliance.

~~(a) Beginning with the 2003-2004 fiscal year, each school district that is not in compliance with the maximums in subsection (1) shall reduce the average number of students per classroom in each of the following grade groupings: prekindergarten through grade 3, grade 4 through grade 8, and grade 9 through grade 12, by at least two students each year.~~

~~(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:~~

~~1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.~~

~~2. For fiscal years 2006-2007 through 2009-2010, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.~~

~~3. For fiscal year 2010-2011 and thereafter, the calculation for compliance shall be at the individual classroom level.~~

~~4. For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.~~

~~(c) The Department of Education shall annually calculate each of the three average class size measures defined in paragraphs (a) and (b) based upon the October student membership survey. For purposes of determining the baseline from which each district's average class size must be reduced for the 2003-2004 school year, the department shall use data from the February 2003 student membership survey updated to include classroom identification numbers as required by the department.~~

~~(d) Prior to the adoption of the district school budget for 2004-2005, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the~~

~~additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximums described in subsection (1) are exempt from this requirement.~~

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1) ~~and the two-student-per-year reduction required in subsection (2)~~:

(a) Adopt policies to encourage qualified students to take dual enrollment courses.

(b) Adopt policies to encourage students to take courses from the Florida Virtual School and school district virtual instruction programs.

(c)1. Repeal district school board policies that require students to have more than 24 credits to graduate from high school.

2. Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation.

(d) Use methods to maximize use of instructional staff, such as changing required teaching loads and scheduling of planning periods, deploying district employees that have professional certification to the classroom, using adjunct educators, or any other method not prohibited by law.

(e) Use innovative methods to reduce the cost of school construction by using prototype school designs, using SMART Schools designs, participating in the School Infrastructure Thrift Program, or any other method not prohibited by law.

(f) Use joint-use facilities through partnerships with community colleges, state universities, and private colleges and universities. Joint-use facilities available for use as K-12 classrooms that do not meet the K-12 State Regulations for Educational Facilities in the Florida Building Code may be used at the discretion of the district school board provided that such facilities meet all other health, life, safety, and fire codes.

(g) Adopt alternative methods of class scheduling, such as block scheduling.

(h) Redraw school attendance zones to maximize use of facilities while minimizing the additional use of transportation.

(i) Operate schools beyond the normal operating hours to provide classes in the evening or operate more than one session of school during the day.

(j) Use year-round schools and other nontraditional calendars that do not adversely impact annual assessment of student achievement.

(k) Review and consider amending any collective bargaining contracts that hinder the implementation of class size reduction.

(l) Use any other approach not prohibited by law.

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to any individual class exceeds the classroom maximum, or if the department determines that the school average is greater than the school level maximum, the department shall identify for each of three grade groups:

1. The number of FTE students in an individual classroom that are greater than the classroom maximum and the number of FTE students that are greater than the school level average, not including the number of FTE that are greater than the classroom maximum.

2. Multiply the total number of FTE students as calculated in subparagraph 1. which exceed the maximum class size for each grade group by the district's FTE dollar amount of the class-size-reduction allocation for that year and calculate the total dollar amount for all three grade groups.

3. Multiply the total number of FTE students as calculated in subparagraph 1. which exceed the maximum by the amount of the base student allocation adjusted by the district cost differential.

4. Reduce the district's class-size-reduction operating categorical allocation by an amount equal to the sum of the calculations in subparagraphs 2. and 3. The commissioner is authorized to withhold the distribution of class size reduction allocation funds to the extent necessary to comply with this section.

~~(a)1. Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(2)(d). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.~~

~~2. In lieu of the transfer required by subparagraph 1., the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction if the commissioner finds that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.~~

~~3. For the 2007-2008 fiscal year and thereafter, if in any fiscal year funds from a district's class size operating categorical are required to be transferred to its fixed capital outlay fund and the district's class size operating categorical allocation in the General Appropriations Act for that fiscal year has been reduced by a subsequent appropriation, the Commissioner of Education may recommend a 50-percent reduction in the amount of the transfer.~~

(b)~~(c)~~ Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and no later than March 1 of each year, the Executive Office of the Governor shall place these funds in reserve, and the undistributed funds shall revert to the General Revenue Fund unallocated at the end of the fiscal year. The amount of funds reduced shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class-size-reduction operating categorical allocation.

(c)~~(d)~~ In lieu of the reduction calculation in paragraph (a) ~~(b)~~, if the Commissioner of Education has evidence that a district has been unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, he or she may recommend a budget amendment, subject to approval of the Legislative Budget Commission, to reduce an alternative amount of funds from the district's class-size-reduction operating categorical allocation. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

(d) The March 1 and February 15 dates in paragraphs (b) and (c) do not apply for the 2010-2011 fiscal year.

~~(e) In addition to the calculation required in paragraph (a), at the time of the third FEFP calculation for the 2009-2010 fiscal year, the department shall also prepare a simulated calculation based on the requirements in paragraphs (b) and (c). This simulated calculation shall be provided to the school districts and the Legislature.~~

(5) TEAM-TEACHING STRATEGIES.—

(a) School districts may use teaching strategies that include the assignment of more than one teacher to a classroom of students and that were implemented before July 1, 2005. Effective July 1, 2005, school districts may implement additional teaching strategies that include the assignment of more than one teacher to a classroom of students for the following purposes only:

1. Pairing teachers for the purpose of staff development.

2. Pairing new teachers with veteran teachers.

3. Reducing turnover among new teachers.

4. Pairing teachers who are teaching out-of-field with teachers who are in-field.

5. Providing for more flexibility and innovation in the classroom.

6. Improving learning opportunities for students, including students who have disabilities.

(b) Teaching strategies, including team teaching, co-teaching, or inclusion teaching, implemented on or after July 1, 2005, pursuant to paragraph (a) may be implemented subject to the following restrictions:

1. Reasonable limits shall be placed on the number of students in a classroom so that classrooms are not overcrowded. Teacher-to-student ratios within a curriculum area or grade level must not exceed constitutional limits.

2. At least one member of the team must have at least 3 years of teaching experience.

3. At least one member of the team must be teaching in-field.

4. The teachers must be trained in team-teaching methods within 1 year after assignment.

(c) As used in this subsection, the term:

1. "Team teaching" or "co-teaching" means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. In order to be considered team teaching or co-teaching, each teacher is responsible for planning, delivering, and evaluating instruction for all students in the class or subject for the entire class period.

2. "Inclusion teaching" means two or more teachers are assigned to a group of students, but one of the teachers is responsible for only one student or a small group of students in the classroom.

The use of strategies implemented as outlined in this subsection meets the letter and intent of the Florida Constitution and the Florida Statutes which relate to implementing class size reduction, and this subsection applies retroactively. A school district may not be penalized financially or otherwise as a result of the use of any legal strategy, including, but not limited to, those set forth in subsection (3) and this subsection.

Section 14. Subsection (2) of section 1003.492, Florida Statutes, is amended to read:

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., and Enterprise Florida, Inc., to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by the Agency for Workforce Innovation, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

Section 15. Subsection (1) of section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

(a) *Courses of study; adoption.*—Adopt courses of study for use in the schools of the district.

(b) *Textbooks.*—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as may be needed. The district school board shall assure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) *Other instructional materials.*—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

Section 16. Section 1006.281, Florida Statutes, is created to read:

1006.281 Learning management systems.—

(1) To ensure that all school districts have equitable access to digitally rich instructional materials, districts are encouraged to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials and teaching and learning tools and resources, and that enables teachers to manage, assess, and track student learning.

(2) To the extent fiscally and technologically feasible, a school district's electronic learning management system should allow for a single, authenticated sign-on and include the following functionality:

(a) Vertically searches for, gathers, and organizes specific standards-based instructional materials.

(b) Enables teachers to prepare lessons, individualize student instruction, and use best practices in providing instruction.

(c) Provides communication, including access to up-to-date student performance data, in order to help teachers and parents better serve the needs of students.

(d) Provides access for administrators to ensure quality of instruction within every classroom.

(e) Provides access to multiple content providers.

(3) The Department of Education shall provide assistance as requested by school districts in their deployment of a district electronic learning management system.

Section 17. Subsection (4) of section 1006.29, Florida Statutes, is amended to read:

1006.29 State instructional materials committees.—

(4) For purposes of state adoption, "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted after 2012-2013 for students in grades 9 through 12 shall be provided primarily in an electronic format.

Section 18. Paragraph (b) of subsection (1) of section 1006.33, Florida Statutes, is amended to read:

1006.33 Bids or proposals; advertisement and its contents.—

(1)

(b) The advertisement shall state that, beginning in 2010-2011, each bidder shall furnish electronic specimen copies of all instructional materials submitted, at a time designated by the department, which specimen copies shall be identical with the copies approved and accepted by the members of the state instructional materials committee, as prescribed in this section, and with the copies furnished to the department and district school superintendents, as provided in this part. Any district school superintendent who requires samples in addition to the electronic format must request those samples through the department.

Section 19. Paragraph (a) of subsection (3) and subsection (4) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(3)(a) Each district school board shall use the annual allocation for the purchase of instructional materials included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). No less than 50 percent of the annual allocation shall be used to purchase items which will be used to provide instruction to students at the level or levels for which the materials are designed. Beginning with the 2012-2013 fiscal year, not less than 10 percent of the annual allocation shall be used to purchase items for which the major tool of instruction is used electronically.

(4) The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. The funds available to district school boards for the purchase of materials not on the state-adopted list may not be used to purchase ~~electronic or computer~~ hardware even if such hardware is bundled with software or other electronic media, nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or district school board may use a portion of the funds available to it for the purchase of materials not on the state-adopted list to purchase science laboratory materials and supplies.

Section 20. Subsection (1) of section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration. Students of Florida public secondary schools enrolled pursuant to this subsection shall be deemed authorized users of the state-funded electronic library resources that are licensed for public colleges and universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility shall be in accordance with rules established by the State Board of Education and the Board of Governors and processes implemented by public colleges and universities.

Section 21. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of students in the school in reading, mathematics, or writing, unless these students are exhibiting satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this section and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The successful completion ~~participation~~ rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of an industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

Section 22. Section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

(1) Each district school board must cause a summary of its tentative budget, including the proposed millage levies as provided for by law, ~~and graphs illustrating a historical summary of financial and demographic data,~~ to be posted online and advertised ~~at least~~ one time ~~as a full page advertisement~~ in a ~~the~~ newspaper of general ~~with the largest~~ circulation published in the district or to be posted at the courthouse ~~door~~ if there be no such newspaper.

~~(2)(a) The advertisement must include a graph illustrating the historical summary of financial and demographic data for each of the following data values which shall be plotted along the vertical axis of each graph:~~

~~1. Total revenue provided to the school district from all sources for the corresponding fiscal year, including all federal, state, and local revenue.~~

~~2. Total revenue provided to the school district for the corresponding fiscal year for current operations.~~

~~3. Total revenue provided to the school district for the corresponding fiscal year for fixed capital outlay projects.~~

~~4. Total revenue provided to the school district for the corresponding fiscal year for debt service.~~

~~5. Total number of unweighted full-time equivalent students, inclusive of all programs listed in s. 1011.62.~~

~~6. Total revenue provided to the school district for current operations divided by the number of unweighted full-time equivalent students for the corresponding fiscal year.~~

~~7. Total number of employees of the school district for the corresponding fiscal year.~~

~~8. Total number of employees of the school district classified as instructional personnel under s. 1012.01 for the corresponding fiscal year.~~

~~(b) Each graph must include a separate histogram corresponding to the financial and demographic data for each of the following fiscal years, which shall be plotted along the horizontal axis of each graph:~~

~~1. Current fiscal year.~~

~~2. Fiscal year that is 5 years before the current fiscal year.~~

~~3. Fiscal year that is 10 years before the current fiscal year.~~

~~(c) The numeric value of the financial and demographic data corresponding to each histogram must be included in each graph.~~

(2)~~(3)~~ The advertisement of a district that has been required by the Legislature to increase classroom expenditures pursuant to s. 1011.64 must include the following statement:

"This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance standards for the (previous school year) school year. In order to achieve the legislatively required level of classroom expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of $XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: ...(list activities and amount budgeted)...."

(3)~~(4)~~ The advertisement shall appear adjacent to the advertisement required pursuant to s. 200.065. The State Board of Education may adopt rules necessary to provide specific requirements for the format of the advertisement.

(4)~~(5)~~ The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The district school board shall then require the superintendent to transmit forthwith two copies of the adopted budget to the Department of Education for approval as prescribed by law and rules of the State Board of Education.

Section 23. Subsection (2) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.—Operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis ~~as specified by rules of the State Board of Education~~ each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days or hours, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency.

Section 24. Paragraphs (m), (n), (o), (p), and (q) of subsection (1), paragraph (b) of subsection (6), paragraph (d) of subsection (7), and paragraph (a) of subsection (12) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(m) *Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.*—A value of 0.1 ~~0.16~~ full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

1. A bonus in the amount of $25 ~~$50~~ for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.

2. An additional bonus of $250 ~~$500~~ to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $1,000 ~~$2,000~~ in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.1 ~~0.16~~ full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.05 ~~0.08~~ full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of $25 ~~$50~~ for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $12.50 ~~$25~~ for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $250 ~~$500~~ to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $125 ~~$250~~ each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $250 ~~$500~~ in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed $1,000 ~~$2,000~~ in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(o) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.1 ~~0.16~~ full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. A student who receives a score of 3 or higher and did not take the advanced placement course is not eligible for the 0.1 FTE membership. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $25 ~~$50~~ for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $250 ~~$500~~ to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $1,000 ~~$2,000~~ in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(p) *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.*—A value of 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, and 1003.493 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to $15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

~~(q) *Calculation of additional full-time equivalent membership for the Florida Virtual School.* The reported full-time equivalent student membership for the Florida Virtual School for students who are also enrolled in a school district shall be multiplied by 0.114, and such value shall be added to the total full-time equivalent student membership.~~

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. Funds for research-based reading instruction.
5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1, 2011 ~~2010~~. Funds available after March 1 may be used to purchase hardware used to provide student instruction.

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

(d) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds, Merit Award Program funds, and the minimum guarantee funds, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds, Merit Award Program funds, and the minimum guarantee funds, for all districts by the state total FTE student count.

5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.

6. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) If the funds appropriated for current operation of the FEFP are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation; however, no calculation subsequent to the appropriation shall result in negative state funds for any district.

Section 25. Paragraph (a) of subsection (4) of section 1011.64, Florida Statutes, is amended to read:

1011.64 School district minimum classroom expenditure requirements.—

(4) In order for the Department of Education to monitor the implementation of this section, each school district which is required to increase emphasis on classroom activities from operating funds pursuant to subsection (1) shall submit to the department the following two reports in a format determined by the department:

(a) An initial report, which shall include the proposed budget actions identified for increased classroom expenditures, a description of how such actions are designed to improve student achievement, and a copy of the published statement required by s. 1011.03(2) ~~s. 1011.03(3)~~. This report shall be submitted within 30 days after final budget approval as provided in s. 200.065.

Section 26. Subsection (1) of section 1011.67, Florida Statutes, is amended to read:

1011.67 Funds for instructional materials.—

(1) The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this subsection, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. ~~These funds shall be distributed to school districts as follows: 50 percent on or about July 10; 35 percent on or about October 10; 10 percent on or about January 10; and 5 percent on or about June 10.~~ The annual allocation shall be determined as follows:

(a) The growth allocation for each school district shall be calculated as follows:

1. Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

2. Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

3. The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(b) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(c) In the event the funds appropriated are not sufficient for the purpose of implementing this subsection in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

Section 27. Section 1011.66, Florida Statutes, is amended to read:

1011.66 Distribution of FEFP funds.—The distribution of FEFP funds shall be made in payments on or about the 10th and 26th of each month. ~~Upon the request of any school district whose net state FEFP funding is less than 60 percent of its gross state and local FEFP funding, the Department of Education shall distribute to that school district in the first quarter of the fiscal year an amount from the funds appropriated for the FEFP in the General Appropriations Act up to a maximum of 15 percent of that school district's gross state and local FEFP funding or that school district's net state FEFP funding, whichever is less.~~

Section 28. Subsection (2) of section 1011.68, Florida Statutes, is amended to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(2) The allocation for each district shall be calculated annually in accordance with the following formula:

T = B + EX. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by an ~~the prior year's~~ average per student cost for transportation as determined by the Legislature. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

Section 29. Paragraph (b) of subsection (3) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(3)

(b) In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy an additional 0.25 mills for critical capital outlay needs or for critical operating needs. If levied for capital outlay, expenditures shall be subject to the requirements of this section. If levied for operations, expenditures shall be consistent with the requirements for operating funds received pursuant to s. 1011.62. If the district levies this additional 0.25 mills for operations, the compression adjustment pursuant to s. 1011.62(5) shall be calculated and added to the district's FEFP allocation. ~~Millage levied pursuant to this paragraph is subject to the provisions of s. 200.065. In order to be continued, millage levied pursuant to this paragraph must be approved by the voters of the district at the next general election.~~

Section 30. Subsection (2) of section 1011.73, Florida Statutes, is amended to read:

1011.73 District millage elections.—

(2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(9) ~~s. 1011.71(8)~~. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 31. Paragraph (g) of subsection (3) of section 1012.33, Florida Statutes, is amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(3)

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, or was employed as of June 30, 2001, but has since broken employment with that district for 1 school year or more, for purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service earned in the State of Florida for which the employee received a satisfactory performance evaluation; however, an employee may voluntarily waive this provision. Instructional personnel employed pursuant to s. 121.091(9)(b) and (c) are exempt from the provisions of this paragraph.

Section 32. Paragraph (a) of subsection (7) of section 1012.467, Florida Statutes, is amended to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(7)(a) The Department of Law Enforcement shall implement a system that allows for the results of a criminal history check provided to a school district to be shared with other school districts through a secure Internet website or other secure electronic means. The Department of Law Enforcement may adopt rules under ss. 120.536(1) and 120.54 to implement this paragraph. School districts must accept reciprocity of level 2 screenings for Florida High School Athletic Association Officials.

Section 33. Subsection (1) of section 1012.55, Florida Statutes, is amended to read:

1012.55 Positions for which certificates required.—

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and adopt rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service. Each person employed or occupying a position as school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the State Board of Education in fulfilling the requirements of the law for the type of service rendered. Such positions include personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment. The Department of Education shall identify appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses that are funded through the Florida Education Finance Program. However, the state board shall adopt rules authorizing district school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

Section 34. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools.

(a) To be eligible for a funding allocation, a charter school must:

1.a. Have been in operation for 3 or more years;

b. Be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; or

d. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools.

2. Have financial stability for future operation as a charter school.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

6. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).

Section 35. Paragraph (a) of subsection (2) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 5-year ~~3-year~~ period. The first year of the 5-year ~~3-year~~ period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys conducted and approved by the Office of Educational Facilities, in cooperation with ~~by~~ the district, under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district must have levied during the prior 5 years and shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes, and must be reviewed and approved by the Office of Educational Facilities, prior to August 1.

Section 36. In order to implement Specific Appropriations 6, 7, 8, 78, and 79 of the General Appropriations Act for the 2010-2011 fiscal year, the calculations of the Florida Education Finance Program for the 2010-2011 fiscal year in the document entitled "Public School Funding - The Florida Education Finance Program," dated March 31, 2010, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to public school funding; amending s. 212.055, F.S.; deleting a requirement that school boards imposing the school capital outlay surtax freeze noncapital local school property taxes for at least 3 years; repealing s. 216.292(2)(d), F.S., relating to the transfer of funds for class size reduction; conforming provisions to changes made by the act; amending s. 1001.395, F.S.; extending the duration of a provision specifying methods to calculate the salary of a school board member; amending s. 1001.451, F.S.; removing the repeal of provisions authorizing a reduction in the incentive grants that are awarded to consortium service organizations; amending s. 1002.32, F.S.; including the millage levied for fixed capital outlay in determining the amount provided to lab schools for operating expenses; amending s. 1002.33, F.S.; requiring that a charter school comply with statutes pertaining to maximum class size; revising provisions that exempt charter school facilities from certain fees; providing that certain capital outlay funds shared with a charter school-in-the-workplace before July 1, 2010, are deemed to meet certain expenditure requirements; revising requirements for calculating the administrative fee that the sponsor of a charter school may withhold and use for capital outlay purposes; amending s. 1002.37, F.S.; providing certain limitations on reporting credits earned by a student through the Florida Virtual School for purposes of funding; including the millage levied for fixed capital outlay in determining the amount provided to the Florida Virtual School for operating expenses; amending s. 1002.45, F.S.; providing for school district virtual instruction programs to include programs offered by community colleges; requiring that community college instructors meet certification requirements; prohibiting a community college from reporting students served in a school district virtual instruction program for funding under the Community College Program Fund; removing obsolete provisions requiring a report; amending ss. 1002.55 and 1002.63, F.S.; revising the requirements for private prekindergarten providers and public school-year prekindergarten programs with respect to the number of students for each class; requiring an instructor for certain classes who holds specified credentials; amending s. 1002.71, F.S.; reducing the amount of funds that an early learning coalition may retain for administrative purposes from funds paid to private prekindergarten providers and public schools; amending s. 1003.03, F.S.; revising requirements for the Department of Education with respect to calculating the maximum class size based on student membership; deleting obsolete provisions; providing for reductions in a district's class-size-reduction operating categorical allocation under certain circumstances; providing for a budget amendment in the case of an extreme emergency and subject to approval of the Legislative Budget Commission; providing for alternative measures to take effect upon approval of an amendment to the State Constitution by the electors of the state; providing for virtual instruction courses to be included in implementing the class size maximums; amending s. 1003.492, F.S.; clarifying the duties of the Department of Education in approving the list of industry certifications for career education programs; amending s. 1006.28, F.S.; redefining the term "adequate instructional materials" to include electronic content; creating s. 1006.281, F.S.; encouraging school districts to provide access for teachers, students, and parents to an electronic learning management system; specifying the required functionality of such a system; requiring the Department of Education to assist school districts in deploying an electronic learning management system; amending s. 1006.29, F.S.; providing that instructional materials include electronic content; requiring that a publisher or manufacturer providing instructional materials as a single bundle make the materials available separately and priced individually; requiring that instructional materials adopted after a specified date for students in grades 9 through 12 be provided primarily in an electronic format; amending s. 1006.33, F.S.; requiring that an advertisement for bids for instructional materials require the bidder to furnish electronic specimen copies of the materials; requiring that district school superintendents request samples in a format other than an electronic format through the department; amending s. 1006.40, F.S.; requiring that a specified percentage of a district's annual allocation for instructional materials be used for electronic materials beginning with the 2012-2013 fiscal year; including electronic content as an approved item of instruction; amending s. 1007.27, F.S.; providing that secondary school students are authorized users of the state-funded electronic library resources licensed for public colleges and universities; providing for verification of eligibility according to rules established by the State Board of Education and the Board of Governors of the State University System; amending s. 1008.34, F.S.; providing for the calculation of certain school grades to include student completion of specified courses; amending s. 1011.03, F.S.; requiring that a district school board post its proposed millage levies on the district's website; revising the requirements for publishing the proposed levies in a newspaper; amending s. 1011.60, F.S.; deleting a requirement that the State Board of Education adopt rules governing the school term; amending s. 1011.62, F.S.; revising the requirements for calculating full-time equivalent student membership; reducing the amount authorized for teacher bonuses; requiring that a district allocate a specified percentage of funds for industry certification to the center or program that generated the funds; authorizing a district school board to use categorical funds for materials that meet the Next Generation

Sunshine State Standards and for certain hardware; providing for adjusting a district's sparsity supplement based on Merit Award Program funds; clarifying that a calculation subsequent to an appropriation does not result in negative state funds for any district; amending s. 1011.64, F.S., relating to minimum classroom expenditure requirements; conforming a cross-reference; amending s. 1011.67, F.S.; removing requirements for the staggered distribution of funds to districts for instructional materials; amending s. 1011.66, F.S.; removing a provision authorizing the distribution of 60 percent of FEFP funds to a district during the first quarter of a fiscal year; amending s. 1011.68, F.S.; requiring that the allocation for student transportation be determined by the Legislature rather than based on the prior year's average student cost for transportation; amending s. 1011.71, F.S.; removing certain requirements for the additional millage levied by a district for critical capital outlay needs or critical operating needs; amending s. 1011.73, F.S., relating to district millage elections; correcting a cross-reference; amending s. 1012.33, F.S.; exempting specified reemployed instructional personnel from certain requirements for determining pay; amending s. 1012.467, F.S.; requiring school districts to accept reciprocity of level 2 screening for Florida High School Athletic Association Officials; amending s. 1012.55, F.S.; requiring that instructional personnel providing instruction through a virtual environment hold certification as otherwise required by law and rule; amending s. 1013.62, F.S.; providing that a charter school must serve students in facilities that are provided by a business partner for a charter school-in-the-workplace to be eligible for an allocation of funds for capital outlay purposes; amending s. 1013.64, F.S.; revising provisions relating to funding for educational facilities projects; providing for the incorporation by reference of certain calculations used by the Legislature for the 2010-2011 fiscal year; providing effective dates.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5201, with 1 amendment. Having refused to pass HB 5201 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5201—A bill to be entitled An act relating to postsecondary education funding; amending s. 295.02, F.S.; revising provisions relating to the use of funds to pay postsecondary education expenses for children and spouses of certain members of the military; amending s. 295.04, F.S.; providing a definition; providing educational benefit award amounts for students at public and nonpublic eligible postsecondary education institutions; creating s. 1006.72, F.S.; providing requirements for the licensing of electronic library resources; requiring a process to annually identify electronic library resources for specified core categories; providing requirements for statewide, postsecondary, 4-year degree, and 2-year degree core resources; amending s. 1009.22, F.S.; requiring students in workforce education programs to be classified as residents or nonresidents for tuition purposes; authorizing, rather than requiring, the State Board of Education to adopt rules for use by district school boards and community college boards of trustees in the calculation of workforce education costs borne by students; amending s. 1009.24, F.S.; authorizing certain calculations for expenditures for need-based financial aid; providing that a student who is awarded a prepaid postsecondary tuition scholarship that is purchased, in whole or in part, with private sector funds is exempt from the payment of the tuition differential while the scholarship is in effect; requiring certain reporting; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; providing that the award amount for a Florida Academic Scholar, Florida Medallion Scholar, and Florida Gold Seal Vocational Scholar shall be specified in the General Appropriations Act for the 2010-2011 academic year; amending s. 1009.984, F.S.; providing that a student who is awarded a prepaid postsecondary tuition scholarship that is purchased, in whole or in part, with private sector funds is exempt from the payment of the tuition differential while the scholarship is in effect; amending s. 1010.87, F.S.; providing that certain funds transferred to the Workers' Compensation Administration Trust Fund in the Department of Education shall revert to the Workers' Compensation Administration Trust Fund in the Department of Financial Services; amending s. 1011.32, F.S.; revising the date for transmittal to the Legislature of information relating to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.80, F.S.; requiring students in workforce education programs to be classified as residents or nonresidents for tuition purposes; amending s. 1011.83, F.S.; deleting certain provisions relating to funds appropriated for baccalaureate degree programs conducted by community colleges; amending s. 1011.84, F.S.; requiring the Department of Education to estimate certain community college enrollments separately; reducing the number of fiscal years to be covered in each annual estimation; requiring a community college that grants baccalaureate degrees to report certain expenditures separately; amending s. 1013.79, F.S.; revising the date for transmittal to the Legislature of information relating to the University Facility Enhancement Challenge Grant Program; repealing s. 1009.5385, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing an effective date.

(Amendment Bar Code: 475964)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—

(1) Sums appropriated and expended to carry out the provisions of s. 295.01(1) shall be used to pay an award equal to the amount of tuition and required registration fees as defined by the department or an amount specified in the General Appropriations Act ~~tuition and registration fees, board, and room rent and to buy books and supplies~~ for the children or spouses of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or s. 295.0195, or of parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, who are between the ages of 16 and 22 years and who are in attendance at an eligible postsecondary education ~~a state-supported~~ institution as defined in s. 295.04 ~~of higher learning, including a community college or career center~~. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(2) Sums appropriated and expended to carry out the provisions of s. 295.01(2) shall be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the spouses of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, who are enrolled at an eligible postsecondary education ~~a state-supported~~ institution as defined in s. 295.04 ~~of higher learning, including a community college or career center~~.

(3) Notwithstanding the benefits-disbursement provision in s. 295.04, such funds shall be applicable for up to 110 percent of the number of required credit hours of an initial baccalaureate degree or certificate program for which the student ~~spouse~~ is enrolled.

(4)~~(3)~~ The Department of Education shall administer this educational program subject to regulations of the department.

Section 2. Paragraph (a) of subsection (6) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the department shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. The department may not approve

formal training and education programs unless it determines, after consideration of the reemployment assessment, pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule, that the reemployment plan is likely to result in return to suitable gainful employment. The department is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education at a Florida public ~~community~~ college ~~as designated in s. 1000.21(3)~~ or at a career center established under s. 1001.44, or to secure other vocational services when necessary to satisfy the recommendation of a vocational evaluator. As used in this paragraph, "appropriate training and education" includes securing a general education diploma (GED), if necessary. The department shall establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs. For purposes of this subsection, training and education services may be secured from additional providers if:

1. The injured employee currently holds an associate degree and requests to earn a bachelor's degree not offered by a Florida public college located within 50 miles from his or her customary residence;

2. The injured employee's enrollment in an education or training program in a Florida public college or career center would be significantly delayed; or

3. The most appropriate training and education program is available only through a provider other than a Florida public college or career center or at a Florida public college or career center located more than 50 miles away from the injured employee's customary residence.

Section 3. Subsection (2) of section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida K-20 education system.—Florida's K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, community colleges, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—Public postsecondary educational institutions include charter technical career centers; career centers operated by a school district ~~workforce education~~; community colleges; colleges; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.

Section 4. Paragraph (a) of subsection (2) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.—

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(a) Each board of trustees constitutes the contracting agent of the university. Each university shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment. For the purpose of a university's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed $2 ~~$1~~ million or the fee for study activity does not exceed $200,000 ~~$100,000~~. Contracts executed pursuant to this paragraph are subject to the requirements of s. 1010.62.

Section 5. Subsection (4) of section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook affordability.—

(4) ~~By March 1, 2009,~~ The State Board of Education and the Board of Governors each shall adopt policies, procedures, and guidelines for implementation by community colleges and state universities, respectively, that further efforts to minimize the cost of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall provide for the following:

(a) That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used books.

(b) That, in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is confirmed by the course instructor or the academic department offering the course before the adoption is finalized.

(c) That a course instructor or the academic department offering the course determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition or the extent to which an open-access textbook may exist and be used.

(d) That the establishment of policies shall address the availability of required textbooks to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.

(e) That encourages course instructors and academic departments to participate in the development, adaptation, and review of open-access textbooks, in particular, open-access textbooks for high-demand general education courses.

Section 6. Paragraph (b) of subsection (2) of section 1004.091, Florida Statutes, is amended to read:

1004.091 Florida Distance Learning Consortium.—

(2) The Florida Distance Learning Consortium shall:

(b) Develop, in consultation with the Florida College System and the State University System, a plan to be submitted to the Board of Governors, the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December ~~March~~ 1, 2010, for implementing. ~~The plan must address the implementation of~~ a streamlined, automated, online registration process for undergraduate students who have been admitted to a public postsecondary educational institution and who wish to enroll in a course listed in the Florida Higher Education Distance Learning Catalog, including courses offered by an institution that is not the student's degree-granting or home institution. The plan must describe how such a registration process can be implemented by the 2011-2012 academic year as an alternative to the standard registration process of each institution. The plan must also address:

1. Fiscal and substantive policy changes needed to address administrative, academic, and programmatic policies and procedures. Policy areas that the plan must address include, but need not be limited to, student financial aid issues, variations in fees, admission and readmission, registration-prioritization issues, transfer of credit, and graduation requirements, with specific attention given to creating recommended guidelines that address students who attend more than one institution in pursuit of a degree.

2. A method for the expedited transfer of distance learning course credit awarded by an institution offering a distance learning course to a student's degree-granting or home institution upon the student's successful completion of the distance learning course.

3. Compliance with applicable technology security standards and guidelines to ensure the secure transmission of student information.

Section 7. Section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in charter technical centers, career centers operated by school districts, community colleges, and state universities.

(1) As used in this section, the term:

(a) "Dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

(b) "Initial enrollment" means the first day of class at an institution of higher education.

(c) "Institution of higher education" means any charter technical career center as defined in s. 1002.34, career center operated by a school district as defined in s. 1001.44, community college as defined in s. 1000.21(3), or state university as defined in s. 1000.21(6).

(d) "Legal resident" or "resident" means a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(e) "Nonresident for tuition purposes" means a person who does not qualify for the in-state tuition rate.

(f) "Parent" means the natural or adoptive parent or legal guardian of a dependent child.

(g) "Resident for tuition purposes" means a person who qualifies as provided in this section for the in-state tuition rate.

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately prior to the child's initial enrollment in an institution of higher education, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's initial enrollment in an institution of higher education, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(c) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions.

(3)(a) An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he or she has provided such evidence related to legal residence and its duration or, if that individual is a dependent child, evidence of his or her parent's legal residence and its duration, as may be required by law and by officials of the institution of higher education from which he or she seeks the in-state tuition rate.

(b) Except as otherwise provided in this section, evidence of legal residence and its duration shall include clear and convincing documentation that residency in this state was for a minimum of 12 consecutive months prior to a student's initial enrollment in an institution of higher education.

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:

a. A Florida voter's registration card.

b. A Florida driver's license.

c. A State of Florida identification card.

d. A Florida vehicle registration.

e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. Proof of a homestead exemption in Florida.

g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or GED was earned within the last 12 months.

h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:

a. A declaration of domicile in Florida.

b. A Florida professional or occupational license.

c. Florida incorporation.

d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

(4) With respect to a dependent child, the legal residence of the dependent child's parent or parents is prima facie evidence of the dependent child's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the dependent child, by the other evidence of legal residence required of or presented by the dependent child. However, the legal residence of a dependent child's parent or parents who are domiciled outside this state is not prima facie evidence of the dependent child's legal residence if that dependent child has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(5) In making a domiciliary determination related to the classification of a person as a resident or nonresident for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For the purposes of this section:

(a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person maintains his or her legal residence in this state.

(b) A person shall not be deemed to have established or maintained a legal residence in this state and subsequently to have qualified or continued to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled in this state.

(c) In determining the domicile of a married person, irrespective of sex, the fact of the marriage and the place of domicile of such person's spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.

(6)(a) Except as otherwise provided in this section, a person who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes if that person or, if that person is a dependent child, his or her parent presents clear and convincing documentation that supports permanent legal residency in this state for at least 12 consecutive months rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein for the prior 12 months while not enrolled in an institution of higher education.

(b) If a person who is a dependent child and his or her parent move to this state while such child is a high school student and the child graduates from a high school in this state, the child may become eligible for reclassification as a resident for tuition purposes when the parent submits evidence that the parent qualifies for permanent residency.

(c) If a person who is a dependent child and his or her parent move to this state after such child graduates from high school, the child may become eligible for reclassification as a resident for tuition purposes after the parent submits evidence that he or she has established legal residence in the state and has maintained legal residence in the state for at least 12 consecutive months.

(d) A person who is classified as a nonresident for tuition purposes and who marries a legal resident of the state or marries a person who becomes a legal resident of the state may, upon becoming a legal resident of the state, become eligible for reclassification as a resident for tuition purposes upon submitting evidence of his or her own legal residency in the state, evidence of his or her marriage to a person who is a legal resident of the state, and evidence of the spouse's legal residence in the state for at least 12 consecutive months immediately preceding the application for reclassification.

(7) A person shall not lose his or her resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his or her parent's or parents' serving, in the Armed Forces outside this state.

(8) A person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education in this state, loses his or her resident tuition status because the person or, if he or she is a dependent child, the person's parent or parents establish domicile or legal residence elsewhere shall continue to enjoy the in-state tuition rate for a statutory grace period, which period shall be measured from the date on which the circumstances arose that culminated in the loss of resident tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

(9) Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his or her domicile in this state shall be permitted to reenroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard.

(b) Active duty members of the Armed Services of the United States and their spouses and dependents attending a public community college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

(c) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.

(d) Full-time instructional and administrative personnel employed by state public schools and institutions of higher education and their spouses and dependent children.

(e) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

(f) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.

(g) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.

(h) McKnight Doctoral Fellows and Finalists who are United States citizens.

(i) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate.

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where they are stationed.

(k) Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.

(11) Each institution of higher education shall establish a residency appeal committee comprised of at least three members to consider student appeals of residency determinations, in accordance with the institution's official appeal process. The residency appeal committee must render to the student the final residency determination in writing. The institution must advise the student of the reasons for the determination.

(12) The State Board of Education and the Board of Governors shall adopt rules to implement this section.

Section 8. Paragraph (b) of subsection (3) of section 1009.22, Florida Statutes, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)

(b) Fees for continuing workforce education shall be locally determined by the district school board or community college board. ~~However, at least 50 percent of the~~ Expenditures for the continuing workforce education program provided by the community college or school district must be fully supported by ~~derived from~~ fees. Enrollments in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment.

Section 9. Paragraph (a) of subsection (3) of section 1006.59, Florida Statutes, is amended to read:

1006.59 The Historically Black College and University Library Improvement Program.—

(3) Each institution shall submit to the State Board of Education a plan for enhancing its library through the following activities:

(a) Each institution shall increase the number of volumes by purchasing replacement books and new titles. Funds shall not be used to purchase periodicals ~~or nonprint media~~. The goal of these purchases is to meet the needs of students and faculty in disciplines that have recently been added to the curriculum, in traditional academic fields that have been expanded, or in academic fields in which rapid changes in technology result in accelerated obsolescence of related library holdings.

Section 10. Section 1006.72, Florida Statutes, is created to read:

1006.72 Licensing electronic library resources.—The Legislature finds that the most cost-efficient and cost-effective means of licensing electronic library resources requires that state universities and colleges collaborate with school districts and public libraries in the identification and acquisition of resources needed by more than one sector. The appropriate library staff from the state universities, colleges, school districts, and public libraries shall implement an annual process that identifies the electronic library resources for each of the core categories established in this section. To the extent possible, the Florida Center for Library Automation, the College Center for Library Automation, and the Division of Library and Information Services within the Department of State shall jointly coordinate this annual process.

(1) STATEWIDE CORE CATEGORY.—For purposes of licensing electronic library resources of the Florida Electronic Library, library representatives from the public libraries, school districts, colleges, and state universities shall identify those resources that comprise the statewide core that will be available to all students, teachers, and residents of the state.

(2) POSTSECONDARY EDUCATION CORE CATEGORY.—From funds appropriated to the Florida Center for Library Automation and the College Center for Library Automation for licensing the electronic library resources required by both systems, state university and college library staff shall identify the postsecondary education core that shall be available to all postsecondary students.

(3) FOUR-YEAR DEGREE CORE CATEGORY.—From funds appropriated to the Florida Center for Library Automation for licensing electronic library resources beyond the postsecondary education core, state university library staff, in consultation with applicable college library staff, shall identify those resources that comprise the 4-year degree core that shall be available to all 4-year degree-seeking students in the college and state university systems. The Florida Center for Library Automation shall include in the negotiated pricing model any college interested in licensing resources.

(4) TWO-YEAR DEGREE CORE CATEGORY.—From funds appropriated to the College Center for Library Automation for licensing electronic library resources beyond the postsecondary education core, college library staff shall identify those resources that comprise the college core that shall be available to all college students. The College Center for Library Automation shall include in the negotiated pricing model any state university interested in licensing a resource.

Section 11. Paragraph (b) of subsection (16) of section 1009.24, Florida Statutes, is amended to read:

1009.24 State university student fees.—

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(b) Each tuition differential is subject to the following conditions:

1. The tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university.

2. The tuition differential may vary by course or courses, campus or center location, and by institution. Each university board of trustees shall strive to maintain and increase enrollment in degree programs related to math, science, high technology, and other state or regional high-need fields when establishing tuition differentials by course.

3. The tuition differential may be implemented by the University of Florida as a block tuition set at 15 hours for students registered for 11 to 19 hours.

4.~~3.~~ For each state university that has total research and development expenditures for all fields of at least $100 million per year as reported annually to the National Science Foundation, the aggregate sum of tuition and the tuition differential may not be increased by more than 15 percent of the total charged for the aggregate sum of these fees in the preceding fiscal year. For each state university that has total research and development expenditures for all fields of less than $100 million per year as reported annually to the National Science Foundation, the aggregate sum of tuition and the tuition differential may not be increased by more than 15 percent of the total charged for the aggregate sum of these fees in the preceding fiscal year.

5.~~4.~~ The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.

6.~~5.~~ The tuition differential may not be calculated as a part of the scholarship programs established in ss. 1009.53-1009.538.

7.~~6.~~ Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.

8.~~7.~~ The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.

9.~~8.~~ The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

10.~~9.~~ Subject to approval by the Board of Governors, the tuition differential authorized pursuant to this subsection may take effect with the 2009 fall term.

Section 12. Subsection (3) of section 1009.53, Florida Statutes, is amended to read:

1009.53 Florida Bright Futures Scholarship Program.—

(3) The Department of Education shall administer the Bright Futures Scholarship Program according to rules and procedures established by the State Board of Education. A single state application must be sufficient for a student to apply for any of the three types of awards. For a student applying for an initial award in the 2010-2011 academic year and thereafter, in order to become eligible each year for a Bright Futures Scholarship award, the student must submit the Free Application for Federal Student Aid, along with a valid expected family contribution. The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

Section 13. Subsection (2) of section 1009.531, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(2) For students graduating from high school prior to the 2010-2011 academic year, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall commence upon the date of separation from active duty. For students graduating from high school in the 2010-2011 academic year and thereafter, a student is eligible to accept an initial award for 3 years after high school graduation and to accept a renewal award for 4 years after high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 4-year ~~7 year~~ renewal period shall commence upon the date of separation from active duty. Effective for students graduating from high school in the 2010-2011 academic year and thereafter, if a course of study is not completed after 4 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.

(6)(a) The State Board of Education shall publicize from the 2009 SAT Percentile Ranks the examination score required for a student to be eligible for a Florida Academic Scholars award pursuant to s. 1009.534(1)(a) or (b), as follows:

1. For high school students graduating in the 2010-2011 and 2011-2012 academic years, the student must earn a score of 1270 or a concordant ACT score of 28.

2. For high school students graduating in the 2012-2013 academic year, the student must earn the 88th SAT percentile rank score of 1280 or a concordant ACT score of 28.

3. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn the 89th SAT percentile rank score of 1290 or a concordant ACT score of 29.

(b) The State Board of Education shall publicize from the 2009 SAT Percentile Ranks the examination score required for a student to be eligible for a Florida Medallion Scholars award pursuant to s. 1009.535(1)(a) or (b), as follows:

1. For high school students graduating in the 2010-2011 academic year, the student must earn a score of 970 or a concordant ACT score of 20; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1070 or a concordant ACT score of 23.

2. For high school students graduating in the 2011-2012 academic year, the student must earn the 44th SAT percentile rank score of 980 or a concordant ACT score of 21; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1070 or a concordant ACT score of 23.

3. For high school students graduating in the 2012-2013 academic year, the student must earn the 50th SAT percentile rank score of 1020 or a concordant ACT score of 22; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1070 or a concordant ACT score of 23.

4. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn the 56th SAT percentile rank score of 1050 or a concordant ACT score of 23; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1100 or a concordant ACT score of 24.

(c) If the percentile ranks in paragraphs (a) and (b) do not exactly correspond to an SAT score, the next highest percentile rank shall be used.

Section 14. Section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Effective for students funded in the 2009-2010 academic year and thereafter, earn at least 24 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship if the student was enrolled full time, or a prorated number of credit hours as determined by the Department of Education if the student was enrolled less than full time for any part of the academic year. For students funded prior to the 2010-2011 academic year, if a student fails to earn the minimum number of hours required to renew the scholarship, the student shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. Such student is eligible to restore the award the following academic year if the student earns the hours for which he or she was enrolled at the level defined by the department and meets the grade point average for renewal. A student is eligible for such restoration one time. The department shall notify eligible recipients of the provisions of this paragraph. Each institution shall notify award recipients of the provisions of this paragraph during the registration process.

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or

2. For students funded prior to the 2010-2011 academic term, if~~,~~ at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a restoration one time. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may~~,~~ reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year.~~; or~~

~~3. If a student is receiving a Florida Bright Futures Scholarship, is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.~~

(c) Reimburse or make satisfactory arrangements to reimburse the institution for the award amount received for courses dropped after the end of the drop and add period or courses from which the student withdraws after the end of the drop and add period unless the student has received an exception pursuant to s. 1009.53(11).

(2) Effective for students initially funded in the 2010-2011 academic term and thereafter, if a scholarship is not renewed because of lack of completion of sufficient credit hours or insufficient grades, the scholarship shall be renewed only for the following reasons:

(a) The student failed to complete sufficient credit hours, or to meet sufficient grades requirements due to verifiable illness or other documented emergency and may be granted an exception pursuant to s. 1009.40(1)(b)4.; or

(b) If a student is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.

(3)~~(2)~~ A student who is initially funded prior to the 2010-2011 academic year and is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a career certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. However, for a student who is initially funded in the 2010-2011 academic term and thereafter, the student may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree or a baccalaureate degree program, or the student may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

Section 15. Subsections (1) and (5) of section 1009.534, Florida Statutes, are amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(a) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(a) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office; ~~or~~

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient. A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(5) Notwithstanding subsections (2) and (4), a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act ~~for the 2009-2010 academic year. This subsection expires July 1, 2010.~~

Section 16. Section 1009.5341, Florida Statutes, is created to read:

1009.5341 Florida Bright Futures Scholarships for graduate study.—Bright Futures Scholarship recipients who graduate with a baccalaureate degree in 7 semesters or equivalent hours or fewer and wish to pursue graduate study may apply the unused portion of their academic or medallion scholarship award toward 1 semester of graduate study, not to exceed 15 semester hours paid at the undergraduate rate. A baccalaureate degree may include, but is not limited to, college credits earned through dual enrollment, SAT, and ACT examinations.

Section 17. Subsections (1) and (4) of section 1009.535, Florida Statutes, are amended to read:

1009.535 Florida Medallion Scholars award.—

(1) A student is eligible for a Florida Medallion Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(b) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(b) Has ~~attended a home education program according to s. 1002.41 during grades 11 and 12 or has~~ completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(b) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(c) Has attended a home education program according to s. 1002.41 during grades 11 and 12 and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program for award eligibility for students whose parents cannot document a college-preparatory curriculum under paragraph (a);

(d)~~(c)~~ Has been recognized by the merit or achievement program of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 1009.534; or

(e)~~(d)~~ Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 1009.534.

(4) Notwithstanding subsection (2), a Florida Medallion Scholar is eligible for an award equal to the amount specified in the General Appropriations Act ~~for the 2009-2010 academic year. This subsection expires July 1, 2010.~~

Section 18. Section 1009.537, Florida Statutes, is repealed.

Section 19. Subsections (4) and (5) of section 1009.536, Florida Statutes, are amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. However, for a student who is initially funded in the 2010-2011 academic term and thereafter, the student may earn a Florida Gold Seal Vocational Scholarship for 100 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.

(5) Notwithstanding subsection (2), a Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount specified in the General Appropriations ~~Act for the 2009-2010 academic year. This subsection expires July 1, 2010.~~

Section 20. Section 1009.5385, Florida Statutes, is repealed.

Section 21. Subsections (2), (3), and (4) of section 1009.72, Florida Statutes, are amended to read:

1009.72 Jose Marti Scholarship Challenge Grant Program.—

(2) ~~Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. The Chief Financial Officer shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Education.~~ All moneys collected from private sources for the purposes of this section shall be deposited into the State Student Financial Assistance Trust Fund. Any balance in the trust fund at the end of any fiscal year which ~~that~~ has been allocated to the program shall remain therein and shall be available for carrying out the purposes of the program. All funds deposited into the trust fund for the program shall be invested pursuant to s. 17.61. Interest income accruing to that portion of the funds which are allocated to the program in the trust fund and not matched shall increase the total funds available for the program.

(3) The Legislature may appropriate funds ~~shall designate funds to be transferred to the trust fund~~ for the program from the General Revenue Fund. Such funds shall be divided into challenge grants to be administered by the Department of Education. ~~All appropriated funds deposited into the trust fund for the program shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the funds that are allocated to the program in the trust fund and not matched shall increase the total funds available for the program.~~

(4) The amounts ~~amount~~ appropriated ~~to the trust fund~~ for the program shall be allocated by the department on the basis of one $5,000 challenge grant for each $2,500 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1986, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds.

Section 22. Subsections (2), (3), and (4) of section 1009.73, Florida Statutes, are amended to read:

1009.73 Mary McLeod Bethune Scholarship Program.—

(2) ~~Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. The Chief Financial Officer shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Education.~~ The Department of Education shall receive all moneys collected from private sources for the purposes of this section and shall deposit such moneys into the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which ~~that~~ has been allocated to the program shall remain in the trust fund and shall be available for carrying out the purposes of the program. All moneys deposited into the trust fund for the program shall be invested pursuant to s. 17.61. Interest income accruing to that portion of the funds which are allocated to the program in the trust fund and not matched shall increase the total funds available for the program.

(3) The Legislature may appropriate funds ~~shall appropriate moneys to the trust fund~~ for the program from the General Revenue Fund. Such moneys shall be applied to scholarships to be administered by the Department of Education. ~~All moneys deposited into the trust fund for the program shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to the program shall be expended to increase the total moneys available for scholarships.~~

(4) The moneys ~~in the trust fund~~ for the program shall be allocated by the department among the institutions of higher education listed in subsection (1) on the basis of one $2,000 challenge grant for each $1,000 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1990, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds. The department shall allocate to each of those institutions a proportionate share of the contributions received on behalf of those institutions and a share of the appropriations and matching funds generated by such institution.

Section 23. Paragraph (e) is added to subsection (1) of section 1010.62, Florida Statutes, to read:

1010.62 Revenue bonds and debt.—

(1) As used in this section, the term:

(e) "Auxiliary enterprise" means any activity defined in s. 1011.47(1) and performed by a university or a direct-support organization.

Section 24. Subsection (2) of section 1010.87, Florida Statutes, is amended to read:

1010.87 Workers' Compensation Administration Trust Fund within the Department of Education.—

(2) Funds appropriated by nonoperating transfer from the Department of Financial Services Workers' Compensation Administration Trust Fund which remain unencumbered as of June 30 or undisbursed as of September 30 shall revert to the Department of Financial Services Workers' Compensation Administration Trust Fund. ~~Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.~~

Section 25. Paragraph (a) of subsection (5) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(5) State funding and student fees for workforce education instruction shall be established as follows:

(a) Expenditures for the continuing workforce education program provided by the community colleges or school districts must be fully supported by fees. Enrollments in continuing workforce education courses shall not be counted for purposes of funding full-time equivalent enrollment. ~~For a continuing workforce education course, state funding shall equal 50 percent of the cost of instruction, with student fees, business support, quick-response training funds, or other means making up the remaining 50 percent.~~

Section 26. Section 1012.885, Florida Statutes, is created to read:

1012.885 Remuneration of community college presidents; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Cash-equivalent compensation" means any benefit that may be assigned an equivalent cash value.

(b) "Public funds" means funds appropriated from the General Revenue Fund, funds appropriated from state trust funds, tuition and fees, or any funds from a community college trust fund regardless of repository.

(c) "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to a community college president by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) LIMITATION ON COMPENSATION.—Notwithstanding any other law, resolution, or rule to the contrary, a community college president may not receive more than $225,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a community college president may be used in calculating benefits under chapter 121.

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a community college president in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a community college president as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation.

Section 27. The Office of Program Policy Analysis and Government Accountability shall conduct a review of the public school adult workforce education programs and the community college and state college workforce education programs for the purpose of identifying and analyzing the positive and negative aspects of merging the school district programs with the community college and state college programs. The office shall submit the results of its review to the Legislature by December 1, 2010.

Section 28. This act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to higher education; amending s. 295.02, F.S.; revising provisions relating to the use of funds for providing educational opportunities and benefits to dependent children or spouses of deceased or disabled veterans; amending s. 440.491, F.S.; revising provisions relating to the training and education of injured employees; providing that training and education services may be secured from additional providers under certain circumstances; amending s. 1000.04, F.S.; revising provisions relating to public postsecondary educational institutions to include charter technical career centers and career centers operated by a school district; deleting a reference to workforce education; amending s. 1001.74, F.S.; revising the powers and duties of university boards of trustees relating to a university's contracting authority; amending s. 1004.085, F.S.; revising provisions relating to textbook affordability and the policies, procedures, and guidelines adopted by the State Board of Education and the Board of Governors; requiring policies that encourage the use of open-access textbooks; amending s. 1004.091, F.S.; revising provisions relating to the duties of the Florida Distance Learning Consortium; delaying provisions that require the consortium to develop a plan for implementing an online registration process for undergraduate students to enroll in a course listed in the Florida Higher Education Distance Learning Catalog; requiring that such plan address specified policy areas; amending s. 1009.21, F.S.; revising provisions relating to the determination of resident status for tuition purposes to include charter technical career centers and career centers operated by school districts; revising definitions to conform to changes made by the act; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; providing that enrollments in continuing workforce education course may not be counted for purposes of funding full-time equivalent enrollment; amending s. 1006.59, F.S.; deleting a provision that prohibits institutions participating in the Historically Black College and University Library Improvement Program from using funds to purchase nonprint media; creating s. 1006.72, F.S.; providing legislative findings regarding the licensing of electronic library resources; requiring that the library staff of state universities, colleges, school districts, and public libraries implement an annual process identifying electronic library resources for specified core categories; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; authorizing the University of Florida to implement the tuition differential as a block tuition set at a specified number of hours for certain students; amending s. 1009.53, F.S.; revising provisions relating to the Florida Bright Futures Scholarship Program; requiring that students submit the Free Application for Federal Student Aid, along with a valid expected family contribution, in order to be eligible for the scholarship award; amending s. 1009.531, F.S.; revising the period during which a student is eligible to receive an initial award and a renewal award of the Florida Bright Futures Scholarship after high school graduation; requiring that the State Board of Education base the eligibility of students to receive a Florida Academic Scholars award on SAT percentile ranks; amending s. 1009.532, F.S.; specifying circumstances under which a Florida Bright Futures Scholarship award may be renewed following its nonrenewal due to insufficient grades; reducing the maximum number of credit hours for which certain students may receive a scholarship award; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars award; removing an obsolete provision; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; creating s. 1009.5341, F.S.; providing that recipients of the Florida Bright Futures Scholarship award may use the unused portion of their award toward graduate study; providing certain limitations; amending s. 1009.535, F.S.; providing for a student who attended a home education program to be eligible for a Florida Medallion Scholars award; removing the scheduled expiration of provisions requiring that the amount of the Florida Medallion Scholar award be specified in the General Appropriations Act; repealing s. 1009.537, F.S., removing obsolete provisions relating to eligibility for the Florida Bright Futures Scholarship Program; amending s. 1009.536, F.S.; reducing the maximum number of credit hours that certain students may earn under the Florida Gold Seal Vocational Scholars award; removing the scheduled expiration of provisions requiring

that the amount of the award be specified in the General Appropriations Act; repealing s. 1009.5385, F.S., relating to criteria for the use of certain scholarship funds by children of deceased or disabled veterans; amending s. 1009.72, F.S.; revising provisions relating to the Jose Marti Scholarship Challenge Grant Program; removing provisions that provide for funds appropriated by the Legislature for the program to be deposited into the State Student Financial Assistance Trust Fund; requiring that funds deposited into such trust fund be invested; authorizing the Legislature to appropriate funds from the General Revenue Fund; amending s. 1009.73, F.S.; revising provisions relating to the Mary McLeod Bethune Scholarship Program; removing provisions that provide for funds appropriated by the Legislature for the program to be deposited into the State Student Financial Assistance Trust Fund; requiring that funds deposited into such trust fund be invested; authorizing the Legislature to appropriate funds from the General Revenue Fund; amending s. 1010.62, F.S.; defining the term "auxiliary enterprise" for purposes of capital outlay projects financed pursuant to the State Bond Act; amending s. 1010.87, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Education; providing for the reversion of certain funds at the end of the fiscal year; amending s. 1011.80, F.S.; revising provisions relating to funds for the operation of workforce education programs; requiring that expenditure for such programs be supported by fees; providing that enrollment in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment; creating s. 1012.885, F.S.; providing definitions; providing a limitation on the compensation paid to community college presidents; providing exceptions; requiring that the Office of Program Policy Analysis and Government Accountability conduct a review of public school adult workforce education programs and community college and state college workforce education programs; requiring that the results of such review be submitted to the Legislature by a specified date; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5301, with 1 amendment. Having refused to pass HB 5301 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5301—A bill to be entitled An act relating to Medicaid services; amending s. 400.141, F.S.; conforming a cross-reference to changes made by the act; amending s. 400.23, F.S.; providing for flexibility in how to meet the minimum staffing requirements for nursing home facilities; amending s. 409.903, F.S.; eliminating eligibility and coverage for women during pregnancy and the postpartum period who live in a family that has an income at or below a specified percentage of the federal poverty level; amending s. 409.904, F.S.; revising the expiration date of provisions authorizing the federal waiver for certain persons age 65 and over or who have a disability; revising the expiration date of provisions authorizing a specified medically needy program; amending s. 409.906, F.S.; eliminating optional adult Medicaid coverage for chiropractic services for adult recipients; amending s. 409.908, F.S.; updating the formula used for calculating reimbursements to providers of prescribed drugs; amending s. 409.9082, F.S.; revising the purpose of the use of the nursing home facility quality assessment and federal matching funds; amending s. 409.9083, F.S.; revising the purpose of the use of the privately operated intermediate care facilities for the developmentally disabled quality assessment and federal matching funds; amending s. 409.911, F.S.; updating the data to be used in calculating disproportionate share; revising the formula used to pay disproportionate share dollars to provider service network hospitals; amending s. 409.9112, F.S.; continuing the prohibition against distributing moneys under the perinatal intensive care centers disproportionate share program; amending s. 409.9113, F.S.; continuing authorization for the distribution of moneys to teaching hospitals under the disproportionate share program; amending s. 409.9117, F.S.; continuing the prohibition against distributing moneys under the primary care disproportionate share program; amending s. 409.912, F.S.; updating the formula used for calculating reimbursements to providers of prescribed drugs; amending s. 430.707, F.S.; permitting the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to accept and forward an application for expansion of service capacity to the Centers for Medicare and Medicaid Services for a specified entity that provides benefits under the Program of All-inclusive Care for the Elderly; providing an effective date.

(Amendment Bar Code: 745712)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient and outpatient services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(2)(a) There is imposed upon each hospital an assessment in an amount equal to 2 ~~1.5~~ percent of the annual net operating revenue for inpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(b) There is imposed upon each hospital an assessment in an amount equal to 1.5 ~~+~~ percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. While prior year report worksheets may be reconciled to the hospital's audited financial statements, no additional audited financial components may be required for the purposes of determining the amount of the assessment imposed pursuant to this section other than those in effect on July 1, 2000. Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

Section 2. Paragraph (o) of subsection (1) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(o)1. Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:

a. Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.

b. Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed

quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.

c. The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.

d. A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this sub-subparagraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium constitutes a class II deficiency.

e. A nursing facility which does not have a conditional license may be cited for failure to comply with the standards in s. 400.23(3)(a)1.b. and c. ~~s. 400.23(3)(a)1.a.~~ only if it has failed to meet those standards on 2 consecutive days or if it has failed to meet at least 97 percent of those standards on any one day.

f. A facility which has a conditional license must be in compliance with the standards in s. 400.23(3)(a) at all times.

2. This paragraph does not limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.

Section 3. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a)1. The agency shall adopt rules providing minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility:

a. A minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.9 hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.

b. A minimum certified nursing assistant staffing of 2.7 hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.

c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.

~~a. A minimum certified nursing assistant staffing of 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.7 hours of direct care per resident per day beginning January 1, 2007. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct care per resident per day but never below one licensed nurse per 40 residents.~~

~~b. Beginning January 1, 2007, a minimum weekly average certified nursing assistant staffing of 2.9 hours of direct care per resident per day. For the purpose of this sub-subparagraph, a week is defined as Sunday through Saturday.~~

2. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if their job responsibilities include only nursing-assistant-related duties.

3. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public.

4. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 4. Paragraph (d) is added to subsection (13) of section 409.906, Florida Statutes, to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(13) HOME AND COMMUNITY-BASED SERVICES.—

(d) The agency, in consultation with the Department of Elderly Affairs, shall phase out the adult day health care and Channeling Services waiver programs and transfer existing waiver enrollees to other appropriate home and community-based service programs. Effective July 1, 2010, the adult day health care, and Channeling Services waiver programs shall cease to enroll new members. Existing enrollees in the adult day health care and Channeling Services programs shall receive counseling regarding available options and shall be offered an alternative home and community-based services program based on eligibility and personal choice. Each enrollee in the waiver program shall continue to receive home and community-based services without interruption in the enrollee's program of choice. The providers of the adult day health care and Channeling Services waiver programs, in consultation with the area agencies on aging, shall assist in the transition of enrollees. Provision of adult day health care and Channeling Services waiver services shall cease by December 31, 2010. The agency may seek federal waiver approval to administer this change.

Section 5. Subsections (4) and (6) of section 409.9082, Florida Statutes, are amended to read:

409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies.—

(4) The purpose of the nursing home facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved state Medicaid plan in effect on December 31, 2007. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority:

(a) To reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost;

(b) To increase to each nursing home facility's Medicaid rate, as needed, up to an amount that restores the rate reductions implemented January 1, 2008; January 1, 2009; ~~and~~ March 1, 2009; and July 1, 2009;

(c) To increase to each nursing home facility's Medicaid rate, as needed, up to an amount that restores any rate reductions for the 2010-2011 ~~2009-2010~~ fiscal year; and

(d) To increase each nursing home facility's Medicaid rate that accounts for the portion of the total assessment not included in paragraphs (a)-(c) which begins a phase-in to a pricing model for the operating cost component.

(6) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the nursing facility quality assessment if the agency does not obtain necessary federal approval for the nursing home facility quality assessment ~~or the payment rates required by subsection (4)~~. Upon termination, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the nursing facilities that paid them.

Section 6. Subsections (3) and (5) of section 409.9083, Florida Statutes, are amended to read:

409.9083 Quality assessment on privately operated intermediate care facilities for the developmentally disabled; exemptions; purpose; federal approval required; remedies.—

(3) The purpose of the facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for ICF/DD services up to the amount of the Medicaid rates for such facilities as calculated in accordance with the approved state Medicaid plan in effect on April 1, 2008. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority to:

(a) Reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost.

(b) Increase each privately operated ICF/DD Medicaid rate, as needed, by an amount that restores the rate reductions implemented on October 1, 2008.

(c) Increase each ICF/DD Medicaid rate, as needed, by an amount that restores any rate reductions for the 2008-2009 fiscal year, ~~and~~ the 2009-2010 fiscal year, and the 2010-2011 fiscal year.

(d) Increase payments to such facilities to fund covered services to Medicaid beneficiaries.

(5)(a) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the quality assessment if the agency does not obtain necessary federal approval for the facility quality assessment ~~or the payment rates required by subsection (3)~~.

(b) Upon termination of the quality assessment, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the facilities that paid such assessments.

Section 7. Paragraph (a) of subsection (2) of section 409.911, Florida Statutes, is amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2003, 2004, and 2005 audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2010-2011 ~~2009-2010~~ state fiscal year.

Section 8. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the agency shall design and implement a system for making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. The system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the 2010-2011 ~~2009-2010~~ state fiscal year, the agency may not distribute moneys under the regional perinatal intensive care centers disproportionate share program.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the department and agency, in a form and manner to be prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals which fail to comply with any of the conditions in subsection (3) or the applicable rules of the department and agency may not receive any payments under this section until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters may not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 9. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the agency shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments must conform to federal requirements and distribute

funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the 2010-2011 ~~2009-2010~~ state fiscal year, the agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program. The funds provided for statutorily defined teaching hospitals shall be distributed in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed or as otherwise provided in the General Appropriations Act. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the agency shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of the following three primary factors, divided by three:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the agency to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

TAP = THAF x A

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 10. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the 2010-2011 ~~2009-2010~~ state fiscal year, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, and payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to

persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that hospitals may not be prevented from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 11. Notwithstanding any other provision of law, each Medicaid managed care plan and provider service network shall include in its provider network any pharmacy that is licensed under chapter 465, Florida Statutes, located in a rural county, and willing to accept the reimbursement terms and conditions established by the Medicaid managed care plan or the provider service agreement. As used in this section, a "rural county" means a county that has a population of fewer than 200,000 residents, based upon the 2000 official census.

Section 12. This act shall take effect July 1, 2010; however, the amendments made by section 1 of this act do not take effect if federal law extends the enhanced Federal Medicaid Assistance Percentage rate, as provided under the American Reinvestment and Recovery Act (Pub. L. No. 111-5), from December 31, 2010, through June 30, 2011.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the Agency for Health Care Administration; amending s. 395.701, F.S.; increasing the assessments imposed on hospital inpatient and outpatient services and deposited into the Public Medical Assistance Trust Fund; amending s. 400.141, F.S.; conforming a cross-reference to changes made by the act; amending s. 400.23, F.S.; providing flexibility for nursing home facilities with respect to meeting minimum staffing requirements; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to phase out certain specified programs and to transfer the Medicaid waiver recipients to other appropriate home and community-based service programs; prohibiting certain programs from accepting new members after a specified date; requiring community-based providers to assist in the transition of enrollees and cease provision of certain waiver services by a specified date; amending s. 409.9082, F.S.; revising requirements for the use of funds from nursing home quality assessments and federal matching funds; amending s. 409.9083, F.S.; revising requirements for the use of funds from quality assessments on privately operated intermediate care facility providers for the developmentally disabled and federal matching funds; amending s. 409.911, F.S.; continuing the requirements for calculating the disproportionate share funds for provider service network hospitals; amending s. 409.9112, F.S.; continuing the prohibition against distributing moneys under the perinatal intensive care centers disproportionate share program; amending s. 409.9113, F.S.; continuing authorization for the distribution of moneys to teaching hospitals under the disproportionate share program; amending s. 409.9117, F.S.; continuing the prohibition against distributing moneys for the primary care disproportionate share program; requiring each Medicaid managed care plan and provider service network to include in its provider network any pharmacy that is located in a rural county and willing to accept the reimbursement terms and conditions established by the managed care plan or provider service agreement; providing a contingent effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5303, with 1 amendment. Having refused to pass HB 5303 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5303—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.065, F.S.; revising provisions relating to the order of priority for clients with developmental disabilities waiting for waiver services; extending the date for implementation for certain categories of clients; amending s. 393.0661, F.S.; specifying assessment instruments to be used for the delivery of home and community-based Medicaid waiver program services; revising provisions relating to assignment of clients to waiver tiers; directing the agency to eliminate behavior assistance services; reducing the geographic differential for Miami-Dade, Broward, Palm Beach, and Monroe Counties for residential habilitation services; creating s. 393.0662, F.S.; establishing the iBudget program for the delivery of home and community-based services; providing for amendment of current contracts to implement the iBudget system; providing for the phasing in of the program; requiring clients to use certain resources before using funds from their iBudget; requiring the agency to provide training for clients and evaluate and adopt rules with respect to the iBudget system; amending s. 393.125, F.S.; providing for hearings on Medicaid programs administered by the agency; providing an effective date.

(Amendment Bar Code: 649486)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a), (b), (c), (d), and (f) of subsection (3) of section 393.0661, Florida Statutes, are amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical

elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(3) The Agency for Health Care Administration, in consultation with the agency, shall seek federal approval and implement a four-tiered waiver system to serve eligible clients through the developmental disabilities and family and supported living waivers. The agency shall assign all clients receiving services through the developmental disabilities waiver to a tier based on a valid assessment instrument, client characteristics, and other appropriate assessment methods.

(a) Tier one is limited to clients who have service needs that cannot be met in tier two, three, or four for intensive medical or adaptive needs and that are essential for avoiding institutionalization, or who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others. Total annual expenditures under tier one may not exceed $120,000 per client each year.

(b) Tier two is limited to clients whose service needs include a licensed residential facility and who are authorized to receive a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services, or clients in supported living who receive more than 6 hours a day of in-home support services. Total annual expenditures under tier two may not exceed $49,500 ~~$55,000~~ per client each year.

(c) Tier three includes, but is not limited to, clients requiring residential placements, clients in independent or supported living situations, and clients who live in their family home. Total annual expenditures under tier three may not exceed $31,500 ~~$35,000~~ per client each year.

(d) Tier four is the family and supported living waiver and includes, but is not limited to, clients in independent or supported living situations and clients who live in their family home. Total annual expenditures under tier four may not exceed $13,313 ~~$14,792~~ per client each year.

(f) The agency shall seek federal waivers and amend contracts as necessary to make changes to services defined in federal waiver programs administered by the agency as follows:

1. Supported living coaching services may not exceed 20 hours per month for persons who also receive in-home support services.

2. Limited support coordination services is the only type of support coordination service that may be provided to persons under the age of 18 who live in the family home.

3. Personal care assistance services are limited to 180 hours per calendar month and may not include rate modifiers. Additional hours may be authorized for persons who have intensive physical, medical, or adaptive needs if such hours are essential for avoiding institutionalization.

4. Residential habilitation services are limited to 8 hours per day. Additional hours may be authorized for persons who have intensive medical or adaptive needs and if such hours are essential for avoiding institutionalization, or for persons who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harming themselves or others. This restriction shall be in effect until the four-tiered waiver system is fully implemented.

5. Chore services, nonresidential support services, and homemaker services are eliminated. The agency shall expand the definition of in-home support services to allow the service provider to include activities previously provided in these eliminated services.

6. Massage therapy, medication review, behavior assistant services provided in a standard or behavior-focus group home, and psychological assessment services are eliminated.

7. The agency shall conduct supplemental cost plan reviews to verify the medical necessity of authorized services for plans that have increased by more than 8 percent during either of the 2 preceding fiscal years.

8. The agency shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

9. Pending federal approval, the agency may extend current support plans for clients receiving services under Medicaid waivers for 1 year beginning July 1, 2007, or from the date approved, whichever is later. Clients who have a substantial change in circumstances which threatens their health and safety may be reassessed during this year in order to determine the necessity for a change in their support plan.

10. The agency shall develop a plan to eliminate redundancies and duplications between in-home support services, companion services, personal care services, and supported living coaching by limiting or consolidating such services.

11. The agency shall develop a plan to reduce the intensity and frequency of supported employment services to clients in stable employment situations who have a documented history of at least 3 years' employment with the same company or in the same industry.

Section 2. Section 393.0662, Florida Statutes, is created to read:

393.0662 Individual budgets for delivery of home and community-based services; iBudget system established.—The Legislature finds that improved financial management of the existing home and community-based Medicaid waiver program is necessary to avoid deficits that impede the provision of services to individuals who are on the waiting list for enrollment in the program. The Legislature further finds that clients and their families should have greater flexibility to choose the services that best allow them to live in their community within the limits of an established budget. Therefore, the Legislature intends that the agency, in consultation with the Agency for Health Care Administration, develop and implement a comprehensive redesign of the service delivery system using individual budgets as the basis for allocating the funds appropriated for the home and community-based services Medicaid waiver program among eligible enrolled clients. The service delivery system that uses individual budgets shall be called the iBudget system.

(1) The agency shall establish an individual budget, referred to as an iBudget, for each individual served by the home and community-based services Medicaid waiver program. The funds appropriated to the agency shall be allocated through the iBudget system to eligible, Medicaid-enrolled clients. The iBudget system shall be designed to provide for: enhanced client choice within a specified service package; appropriate assessment strategies; an efficient consumer budgeting and billing process that includes reconciliation and monitoring components; a redefined role for support coordinators which avoids potential conflicts of interest; a flexible and streamlined service review process; and a methodology and process that ensures the equitable allocation of available funds to each client based on the client's level of need, as determined by the variables in the allocation algorithm.

(a) In developing each client's iBudget, the agency shall use an allocation algorithm and methodology. The algorithm shall use variables that have been determined by the agency to have a statistically validated relationship to the client's level of need for services provided through the home and community-based services Medicaid waiver program. The algorithm and methodology may consider individual characteristics, including, but not limited to, a client's age and living situation, information from a formal assessment instrument that the agency determines is valid and reliable, and information from other assessment processes.

(b) The allocation methodology shall provide the algorithm that determines the amount of funds allocated to a client's iBudget. The agency may approve an increase in the amount of funds allocated, as determined by the algorithm, based on the client having:

1. An extraordinary need that would place the health and safety of the client, the client's caregiver, or the public in immediate, serious jeopardy unless the increase is approved. An extraordinary need may include, but is not limited to:

a. A documented history of significant, potentially life-threatening behaviors, such as recent attempts at suicide, arson, nonconsensual sexual behavior, or self-injurious behavior requiring medical attention;

b. A complex medical condition that requires active intervention by a licensed nurse on an ongoing basis which cannot be taught or delegated to a nonlicensed person;

c. A chronic co-morbid condition. As used in this subparagraph, the term "co-morbid condition" means a medical condition existing simultaneously but independently along with another medical condition in a patient; or

d. A need for total physical assistance with activities such as eating, bathing, toileting, grooming, and personal hygiene.

However, the presence of an extraordinary need alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.

2. A significant need for one-time or temporary support or services that, if not provided, would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy, unless the increase, as determined by the total of the algorithm and any adjustments based on subparagraphs 1. and 3., is approved. A significant need may include, but is not limited to, the provision of environmental modifications, durable medical equipment, services to address the temporary loss of support from a caregiver, or special services or treatment for a serious temporary condition when the service or treatment is expected to ameliorate the underlying condition. As used in this subparagraph, the term "temporary" means a period of less than 12 continuous months.

3. A significant increase in the need for services after the beginning of the service plan year which would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy because of substantial changes in the client's circumstances, including, but not limited to, permanent or long-term loss or incapacity of a caregiver, loss of services authorized under the state Medicaid plan due to a change in age, or a significant change in medical or functional status which requires the provision of additional services on a permanent or long-term basis and which cannot be accommodated within the client's current iBudget. As used in this subparagraph, the term "long-term" means a period of 12 or more continuous months.

The agency shall reserve portions of the appropriation for the home and community-based services Medicaid waiver program for adjustments required pursuant to this paragraph and may use the services of an independent actuary in determining the amount of the portions to be reserved.

(c) A client's iBudget shall be the total of the amount determined by the algorithm and any additional funding provided pursuant to paragraph (b). A client's annual expenditures for home and community-based services Medicaid waiver services may not exceed the limits of his or her iBudget. The total of a client's projected annual iBudget expenditures may not exceed the agency's appropriation for waiver services.

(2) The Agency for Health Care Administration, in consultation with the agency, shall seek federal approval to amend current waivers, request a new waiver, and amend contracts as necessary to implement the iBudget system to serve eligible, enrolled clients through the home and community-based services Medicaid waiver program and the Consumer-Directed Care Plus Program.

(3) The agency shall provide for the transition of all eligible, enrolled clients to the iBudget system. The agency may gradually phase in the iBudget system.

(a) While the agency phases in the iBudget system, the agency may continue to serve eligible, enrolled clients under the four-tiered waiver system established under s. 393.065 while those clients await the transition to the iBudget system.

(b) The agency shall design the phase-in process to ensure that a client does not experience more than one-half of any expected overall increase or decrease to his or her existing annualized cost plan during the first year that the client is provided an iBudget due solely to the transition to the iBudget system.

(4) A client must use all available services authorized under the state Medicaid plan, school-based services, private insurance, and other benefits and use any other resources that are available to the client before using funds from his or her iBudget to pay for support and services.

(5) Rates for any or all services established under rules of the Agency for Health Care Administration shall be designated as the maximum rather than a fixed amount for individuals who receive an iBudget, except for services specifically identified in those rules which the agency determines are not appropriate for negotiation, including, but not limited to, residential habilitation services.

(6) The agency shall ensure that clients and caregivers have access to training and education to inform them about the iBudget system and enhance their ability for self-direction. Such training shall be offered in a variety of formats and, at a minimum, shall address the policies and processes of the iBudget system; the roles and responsibilities of consumers, caregivers, waiver support coordinators, providers, and the agency; information available to help the client make decisions regarding the iBudget system; and examples of support and resources available in the community.

(7) The agency shall collect data to evaluate the implementation and outcomes of the iBudget system.

(8) The agency and the Agency for Health Care Administration may adopt rules specifying the allocation algorithm and methodology; criteria and processes for clients to access reserved funds for extraordinary needs, temporarily or permanently changed needs, and one-time needs; and processes and requirements for selection and review of services, development of support and cost plans, and management of the iBudget system as needed to administer this section.

Section 3. This act shall take effect July 1, 2010; however, the amendments to s. 393.0661(3)(b), (c), (d), and (f)6., Florida Statutes, made by this act do not take effect if federal law extends the enhanced Federal Medicaid Assistance Percentage rate, as provided under the American Reinvestment and Recovery Act (Pub. L. No. 111-5), from December 31, 2010, through June 30, 2011.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to home and community-based services; amending s. 393.0661, F.S.; reducing the annual maximum expenditure to each client assigned by the Agency for Persons With Disabilities to tier one, tier two, tier three, and tier four level services; eliminating behavior assistant services in certain group homes as a deliverable service to eligible clients; creating s. 393.0662, F.S.; establishing the iBudget program for the delivery of home and community-based services; providing for amendment of current contracts to implement the iBudget system; providing for the phasing in of the program; requiring clients to use certain resources before using funds from their iBudget; requiring the agency to provide training for clients and evaluate and adopt rules with respect to the iBudget system; providing a contingent effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5305, with 1 amendment. Having refused to pass HB 5305 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5305—A bill to be entitled An act relating to child welfare; creating s. 402.7306, F.S.; requiring the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and community-based care lead agencies to adopt policies for the administrative monitoring of child welfare providers; authorizing private-sector entities to establish an Internet-based data warehouse and archive for the maintenance of specified records of child welfare providers; providing agency and provider requirements; amending s. 402.7305, F.S.; providing a limitation on the frequency of monitoring of child-caring and child-placing service providers; prohibiting certain duplicative monitoring; amending s. 409.1451, F.S.; providing that certain services provided to young adults formerly in foster care are subject to a specific appropriation; revising provisions relating to calculating the amount of, issuing, and terminating an award granted under the Road-to-Independence Program; repealing s. 409.1663, F.S., relating to adoption benefits for

qualifying adoptive employees of state agencies; amending s. 409.1671, F.S.; revising provisions relating to funding for contracts established between the Department of Children and Family Services and community-based care lead agencies; authorizing the department to outsource certain functions; authorizing a community-based care lead agency to make certain expenditures; amending s. 409.166, F.S.; conforming a reference to changes made by the act; providing an effective date.

(Amendment Bar Code: 890056)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Contracts for child welfare services.—The Department of Children and Family Services, the Department of Health, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the community-based care lead agencies shall identify and implement changes that improve efficiency in contract administration for child welfare services. To assist with that goal, each agency shall adopt the following policies:

(1) Limit administrative monitoring to once every 3 years if the contracted provider is accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation. Notwithstanding the survey or inspection of an accrediting organization, the department or agency may continue to monitor the provider as necessary with respect to:

(a) Ensuring that services for which the agency is paying are being provided.

(b) Investigating complaints or suspected problems and monitoring the provider's compliance with any resulting negotiated terms and conditions, including provisions relating to consent decrees that are unique to a specific contract and are not statements of general applicability.

(c) Ensuring compliance with federal and state laws, federal regulations, or state rules if such monitoring does not duplicate the accrediting organization's review pursuant to accreditation standards.

(2) Allow private-sector development and implementation of an Internet-based, secure, and consolidated data warehouse and archive for maintaining corporate, fiscal, and administrative records of child welfare provider contracts. Providers must ensure that the data is up to date and accessible to the contracting state agency and the contracting provider. State agencies that contract with child welfare providers must use the data warehouse for document requests. If information is not current or is unavailable from the provider's data warehouse and archive, the state agency may contact the provider directly. At a minimum, the records must include the provider's:

(a) Articles of incorporation.

(b) Bylaws.

(c) Governing board and committee minutes.

(d) Financial audits.

(e) Expenditure reports.

(f) Compliance audits.

(g) Organizational charts.

(h) Governing board membership information.

(i) Human resource policies and procedures.

Section 2. Subsection (25) is added to section 39.301, Florida Statutes, to read:

39.301 Initiation of protective investigations.—

(25) The department may develop and operate a pilot program relating to family needs assistance referrals. The pilot program shall be located in a circuit in which the child protective investigation unit, whether located in the department or the county sheriff's office, and the community-based care lead agency agree to participate in the pilot program. The pilot program shall be funded from existing resources in the circuit.

(a) Upon receiving a call that does not meet the criteria for being a report of abuse or child abuse, abandonment, or neglect, but does indicate that the family needs assistance, the central abuse hotline shall accept these calls for a family needs assistance referral and immediately transfer the referral to the county wherein the family currently resides.

(b) The department shall review the referral in the county of residence and a joint response shall be coordinated with the community-based care lead agency within 48 hours after being received from the central abuse hotline to determine the appropriate response, which must include at least one of the following, as appropriate:

1. If, after the initial home visit and assessment conducted by the child protective investigator, conditions in the home meet criteria for a report of abuse, abandonment, or neglect, the department shall initiate a child protective response.

2. If the department makes a determination that the family would benefit from a family needs assistance referral and a child protective response is not indicated, services must be offered.

(c) The participation in the family needs assistance referral pilot program is voluntary. The community-based care lead agency shall determine the referral needs and shall conduct the ongoing linkage of services to the families based on the availability of resources at the time of the initial visit or within 2 business days after the initial visit with the department.

(d) The duration and intensity of such intervention shall be determined by the family and the community-based care lead agency and must be based on the availability of funds and community resources.

(e) The department and each community-based care lead agency must maintain up-to-date documentation of all family needs assistance referrals. The documentation must include, at a minimum:

1. The number of referrals received;

2. The type of response to each referral;

3. An indication of whether or not the family accepted services;

4. If the services were accepted by the family, the type of services delivered;

5. If the services were available through the Florida Safe Families Network, the cost of the services;

6. The outcome of services accepted or delivered;

7. Whether or not families who are the subject of the referral return to the attention of the department as a subsequent family needs assistance referral, or as the subject of a report accepted for a child protective investigation; and

8. Any additional information that enables a determination of the success of the family needs assistance referral pilot program.

(e) The department shall submit a report to the Legislature by January 31, 2011, which contains the results of the family needs assistance pilot program and recommendations for continuing, expanding, or modifying the program.

Section 3. Subsection (4) of section 402.7305, Florida Statutes, is amended to read:

402.7305 Department of Children and Family Services; procurement of contractual services; contract management.—

(4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The department shall establish contract monitoring units staffed by career service employees who report to a member of the Selected Exempt Service or Senior Management Service and who have been properly trained to perform contract monitoring.~~, with~~ At least one member of the contract monitoring unit must possess ~~possessing~~ specific knowledge and experience in the contract's program area. The department shall establish a contract monitoring process that includes ~~must include~~, but need not be limited to, the following requirements:

(a) Performing a risk assessment at the start of each fiscal year and preparing an annual contract monitoring schedule that considers ~~includes consideration for~~ the level of risk assigned. The department may monitor any contract at any time regardless of whether such monitoring was originally included in the annual contract monitoring schedule.

(b) Preparing a contract monitoring plan, including sampling procedures, before performing onsite monitoring at external locations of a service provider. The plan must include a description of the programmatic, fiscal, and administrative components that will be monitored on site. If appropriate, clinical and therapeutic components may be included.

(c) Conducting analyses of the performance and compliance of an external service provider by means of desk reviews if the external service provider will not be monitored on site during a fiscal year.

(d) Unless the department sets forth in writing the need for an extension, providing a written report presenting the results of the monitoring within 30 days after the completion of the onsite monitoring or desk review.

(e) Developing and maintaining a set of procedures describing the contract monitoring process.

Notwithstanding any other provision of the section, the department shall limit contract monitoring of a child-caring or child-placing services provider to only once per year. Such monitoring may not duplicate administrative monitoring that is included in the survey of a contract provider conducted by a national accreditation organization.

Section 4. Present subsections (8) through (11) of section 409.1671, Florida Statutes, are renumbered as subsections (12) through (15), respectively, and new subsections (8) through (11) are added to that section, to read:

409.1671 Foster care and related services; outsourcing.—

(8) A contract established between the department and a community-based agency under this section must be funded by a grant of general revenue, other applicable state funds, or applicable federal funding sources. A community-based care lead agency may carry forward documented unexpended state funds from one fiscal year to the next; however, the cumulative amount carried forward may not exceed 8 percent of the contract total. Any unexpended state funds in excess of that percentage must be returned to the department. The funds carried forward may not be used in any way that would create increased recurring future obligations, and such funds may not be used for any type of program or service that is not currently authorized by the existing contract with the department. Expenditures of funds carried forward must be separately reported to the department. Any unexpended funds that remain at the end of the contract period shall be returned to the department.

(9) The method of payment for a fixed-price contract with a community-based care lead agency shall provide for a 2-month advance payment at the beginning of each fiscal year and equal monthly payments thereafter.

(10) The department may outsource the programmatic, administrative, or fiscal monitoring oversight of community-based care lead agencies.

(11) Notwithstanding any other provision of law, a community-based care lead agency may make expenditures for staff cellular telephone allowances, contracts requiring deferred payments and maintenance agreements, security deposits for office leases, related agency professional membership dues other than personal professional membership dues, promotional materials, and grant-writing services. Expenditures for food and refreshment, other than those provided to clients in the care of the agency or to foster parents, adoptive parents, and caseworkers during training sessions, are not allowable.

Section 5. Section 394.655, Florida Statutes, is repealed.

Section 6. This act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to child welfare services and mental health and substance abuse; limiting state agency contract monitoring to once every 3 years if the contracted provider is subject to accreditation surveys by specified accreditation organizations; providing exceptions; allowing the establishment of an Internet-based data warehouse to maintain the records of contract providers; requiring state agencies to use the warehouse for document requests; specifying the information that such records must include; amending s. 39.301, F.S.; creating a family needs assistance referral pilot program; providing that the program be funded by existing resources; requiring that the Department of Children and Family Services and each community-based care lead agency maintain up-to-date documentation; requiring that such documentation contain specified information; requiring that the department submit a report to the Legislature by a specified date; amending s. 402.7305, F.S.; limiting the Department of Children and Family Services to one contract monitoring of a child-caring or child-placing contract provider per year; amending s. 409.1671, F.S.; providing funding requirements for contracts for foster care and related services; authorizing a community-based care lead agency to carry forward certain unexpended state funds; authorizing certain advance payments to a lead agency; authorizing the department to outsource certain oversight duties; specifying certain allowable expenses; prohibiting certain expenditures; repealing s. 394.655, F.S., relating to the Florida Substance Abuse and Mental Health Corporation; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5307, with 1 amendment. Having refused to pass HB 5307 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5307—A bill to be entitled An act relating to mental health and substance abuse; repealing s. 394.655, F.S., relating to the establishment of the Substance Abuse and Mental Health Corporation; amending ss. 14.20195, 394.656, 394.657, 394.658, and 394.659, F.S.; conforming references to changes made by the act; providing an effective date.

(Amendment Bar Code: 663240)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5309, with 1 amendment. Having refused to pass HB 5309 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5309—A bill to be entitled An act relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; amending s. 381.84, F.S.; providing for the counter-marketing and advertising campaign to include innovative communication strategies; revising terminology; providing requirements for administration and management of the program by the Department of Health; deleting county health department funding eligibility; specifying purpose of funds distributed under the program; revising the area health education center network program component functions and requirements; authorizing community mental health providers under contract with the Department of Children and Family Services to receive a share of the annual appropriation for specified purposes, subject to a specific appropriation in the General Appropriations Act; requiring the Department of Health to submit a proposal to the Governor and Legislature for developing a pilot program by a specified date; specifying elements of the proposal; deleting obsolete language; providing an effective date.

(Amendment Bar Code: 502882)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5311, with 1 amendment. Having refused to pass HB 5311 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5311—A bill to be entitled An act relating to the Department of Health; amending s. 20.435, F.S.; revising provisions for administration and use of funds in the Administrative Trust Fund and the Emergency Medical Services Trust Fund; providing for such administration and use under specified provisions; amending ss. 318.14, 318.18, and 318.21, F.S.; providing that funds collected from disposition of certain motor vehicle infractions shall be deposited into the Emergency Medical Services Trust Fund; removing provisions for deposit of such funds into the Administrative Trust Fund; providing for use of the funds; correcting a reference; amending ss. 320.131, 327.35, 381.765, and 938.07, F.S.; correcting references to the Brain and Spinal Cord Injury Program Trust Fund; amending ss. 381.78 and 381.79, F.S.; correcting references; amending s. 395.403, F.S., relating to reimbursement of trauma centers; revising eligibility provisions to remove provisional trauma centers and certain hospitals; providing for payments to be made from the Emergency Medical Services Trust Fund; removing provisions for one-time payments from the Administrative Trust Fund; amending s. 395.4036, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for verified trauma centers; removing provisions for such use of funds in the Administrative Trust Fund; providing an effective date.

(Amendment Bar Code: 202590)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 5401, with 1 amendment. Having refused to pass CS for HB 5401 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

CS/HB 5401—A bill to be entitled An act relating to clerks of the court; transferring the Clerks of the Court Trust Fund to the Department of Revenue; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission; amending s. 28.241, F.S.; revising distributions of filing fees for trial and appellate proceedings; amending s. 28.246, F.S.; conforming provisions relating to transfer of the Clerks of the Court Trust Fund; amending s. 28.35, F.S.; deleting provisions providing for housing the Florida Clerks of Court Operations Corporation within the Justice Administrative Commission, specifying the corporation as a budget entity of the commission, and specifying corporation employees as commission employees; revising membership of the corporation's executive council; specifying that the corporation is subject to certain procurement requirements; revising and expanding the duties and responsibilities of the corporation relating to budget requests; providing definitions; requiring the corporation to submit certain budgets and information to the Legislative Budget Commission; providing duties and responsibilities of the commission; deleting a requirement that clerks of court submit certain financial audit information to the Supreme Court; amending s. 28.36, F.S.; revising required budget procedures for budget requests for funding court-related functions of the clerks of court; providing duties of the corporation; creating s. 28.365, F.S.; subjecting clerks of the courts to certain procurement requirements and limitations; amending s. 28.37, F.S.; revising requirements for distribution of fines, fees, service charges, and court costs collected by clerks of the court; amending s. 28.43, F.S.; conforming provisions relating to transfer of the Clerks of the Court Trust Fund; amending s. 34.041, F.S.; revising requirements for distribution of certain filing fees collected by clerks of the court; requiring certain filing fees to be retained as fee income of the office of the clerk of the circuit court; amending s. 43.16, F.S.; deleting provisions including the Florida Clerks of Court Operations Corporation under provisions relating to the Justice Administrative Commission; amending s. 110.205, F.S.; deleting the Florida Clerks of Court Operations Corporation from certain career service exempt positions provisions; amending s. 142.01, F.S.; conforming provisions relating to transfer of the Clerks of the Court Trust Fund; amending s. 213.131, F.S.; specifying creation of the Clerks of the Court Trust Fund within the Department of Revenue; providing for credit of certain funds to the trust fund; amending s. 216.011, F.S.; deleting a reference to the Florida Clerks of Court Operations Corporation as a state agency; providing for approved budgets of the clerks of the circuit court; providing an effective date.

(Amendment Bar Code: 338916)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 25.241, Florida Statutes, is amended to read:

25.241 Clerk of Supreme Court; compensation; assistants; filing fees, etc.—

(5) The Clerk of the Supreme Court is hereby required to prepare a statement of all fees collected each month and remit such statement, together with all fees collected by him or her, to the Chief Financial Officer. The Chief Financial Officer shall deposit $250 of each $300 filing fee and all other fees collected into the General Revenue Fund. The Chief Financial Officer shall deposit $50 of each filing fee collected into the State Courts Revenue ~~state court's Operating~~ Trust Fund to fund court operations ~~improvement projects~~ as authorized in the General Appropriations Act.

Section 2. Section 25.3844, Florida Statutes, is amended to read:

25.3844 Administrative ~~Operating~~ Trust Fund.—

(1) The Administrative ~~Operating~~ Trust Fund is created within the state courts system.

(2) The fund is established ~~for use as a depository of fees and related revenue~~ for the purpose of supporting the ~~program~~ operations of the judicial branch and for such other purposes as may be appropriate, and shall be expended only pursuant to legislative appropriation or an approved amendment to the agency's operating budget pursuant to the provisions of chapter 216.

Section 3. Section 25.386, Florida Statutes, is amended to read:

25.386 Foreign language court interpreters.—The Supreme Court shall establish minimum standards and procedures for qualifications, certification, professional conduct, discipline, and training of foreign language court interpreters who are appointed by a court of competent jurisdiction. The Supreme Court shall set fees to be charged to applicants for certification and renewal of certification as a foreign language court interpreter. The revenues generated from such fees shall be used to offset the costs of administration of the certification program and shall be deposited into the Administrative ~~Operating~~ Trust Fund within the state courts system. The Supreme Court may appoint or employ such personnel as are necessary to assist the court in administering this section.

Section 4. Subsection (7) of section 27.40, Florida Statutes, is amended to read:

27.40 Court-appointed counsel; circuit registries; minimum requirements; appointment by court.—

(7)(a) A private attorney appointed by the court from the registry to represent a client is entitled to payment as provided in s. 27.5304. An attorney appointed by the court who is not on the registry list may be compensated under s. 27.5304 if the court finds in the order of appointment that there were no registry attorneys available for representation for that case.

(b)1. The attorney shall maintain appropriate documentation, including contemporaneous and detailed hourly accounting of time spent representing the client. If the attorney fails to maintain such contemporaneous and detailed hourly records, the attorney waives the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act. These records and documents are subject to review by the Justice Administrative Commission, subject to the attorney-client privilege and work-product privilege. The attorney shall maintain the records and documents in a manner that enables the attorney to redact information subject to a privilege in order to facilitate and not impede the commission's review of the records and documents. The attorney may redact information from the records and documents only to the extent necessary to comply with the privilege.

2. If an attorney fails, refuses, or declines to permit the commission to review documentation for a case as provided in this paragraph, the attorney waives the right to seek, and the commission may not pay, compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act for that case.

3. A finding by the commission that an attorney waives the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act, as provided in this paragraph, is presumed to be valid, unless a court concludes that the commission's finding is not supported by competent and substantial evidence.

Section 5. Section 27.425, Florida Statutes, is amended to read:

27.425 Due process service rates; responsibilities of chief judge.—

(1) The maximum ~~chief judge of each circuit shall recommend~~ compensation rates for state-funded due process service providers in cases in which the court has appointed private counsel or declared a person indigent for costs shall be specified annually in the General Appropriations Act. For purposes of this section, due process compensation rates do not include attorney's fees for legal representation of the client.

~~(2) Annually, the chief judge shall submit proposed due process compensation rates to the Office of the State Courts Administrator for inclusion in the legislative budget request for the state courts system.~~

~~(3) The maximum rates shall be specified annually in the General Appropriations Act. For the 2007-2008 fiscal year, the maximum rates shall be the rates in effect on June 30, 2007.~~

(2)~~(4)~~ The total amount expended for providers of due process services in eligible cases may not exceed the amount budgeted in the General Appropriations Act for the particular due process service.

(3) The Justice Administrative Commission shall approve uniform contract forms for use in procuring due process services and uniform procedures for use by a due process provider, or a private attorney on behalf of a due process provider, in support of billing for due process services to demonstrate completion of the specified services.

Section 6. Subsections (5) and (6) of section 27.511, Florida Statutes, are amended to read:

27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

(5) ~~Effective October 1, 2007,~~ When the Office of the Public Defender, at any time during the representation of two or more defendants, determines that the interests of those accused are so adverse or hostile that they cannot all be counseled by the public defender or his or her staff without a conflict of interest, or that none can be counseled by the public defender or his or her staff because of a conflict of interest, and the court grants the public defender's motion to withdraw, the office of criminal conflict and civil regional counsel shall be appointed and shall provide legal services, without additional compensation, to any person determined to be indigent under s. 27.52, who is:

(a) Under arrest for, or charged with, a felony;

(b) Under arrest for, or charged with:

1. A misdemeanor authorized for prosecution by the state attorney;

2. A violation of chapter 316 punishable by imprisonment;

3. Criminal contempt; or

4. A violation of a special law or county or municipal ordinance ancillary to a state charge or, if not ancillary to a state charge, only if the office of criminal conflict and civil regional counsel contracts with the county or municipality to provide representation pursuant to ss. 27.54 and 125.69.

The office of criminal conflict and civil regional counsel may not provide representation pursuant to this paragraph if the court, prior to trial, files in the cause an order of no imprisonment as provided in s. 27.512;

(c) Alleged to be a delinquent child pursuant to a petition filed before a circuit court;

(d) Sought by petition filed in such court to be involuntarily placed as a mentally ill person under part I of chapter 394, involuntarily committed as a sexually violent predator under part V of chapter 394, or involuntarily admitted to residential services as a person with developmental disabilities under chapter 393;

(e) Convicted and sentenced to death, for purposes of handling an appeal to the Supreme Court; ~~or~~

(f) ~~Is~~ Appealing a matter in a case arising under paragraphs (a)-(d); or.

(g) Seeking correction, reduction, or modification of a sentence under Rule 3.800 or seeking postconviction relief under Rule 3.850 of the Florida Rules of Criminal Procedure if, in either case, the court determines that appointment of counsel is necessary to protect a person's due process rights.

(6)(a) ~~Effective October 1, 2007,~~ The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law in civil proceedings, including, but not limited to, proceedings under s. 393.12 and chapters 39, ~~390,~~ 392, 397, 415, 743, 744, and 984 and proceedings to terminate parental rights under chapter 63. Private court-appointed counsel eligible under s. 27.40 have primary responsibility for representing minors who request counsel under s. 390.01114, the Parental Notice of Abortion Act. The office of criminal conflict and civil regional counsel may represent a minor under that section if the court finds that no private court-appointed attorney is available.

(b) If constitutional principles or general law provide for court-appointed counsel in civil proceedings, the court shall first appoint the regional counsel unless general law specifically provides for appointment of the public defender, in which case the court shall appoint the regional counsel if the public defender has a conflict of interest.

(c) Notwithstanding paragraph (b) or any provision of chapter 744 to the contrary, when chapter 744 provides for appointment of counsel, the court, in consultation with the clerk of court and prior to appointing counsel, shall determine, if possible, whether the person entitled to representation is indigent, using the best available evidence.

1. If the person is indigent, the court shall appoint the regional counsel. If at any time after appointment the regional counsel determines that the person is not indigent and that there are sufficient assets available for the payment of legal representation under s. 744.108, the regional counsel shall move the court to reassign the case to a private attorney.

2. If the person is not indigent or if the court and the clerk are not able to determine whether the person is indigent at the time of appointment, the court shall appoint a private attorney. If at any time after appointment the private attorney determines that the person is indigent and that there are not sufficient assets available for the payment of legal representation under s. 744.108, the private attorney shall move the court to reassign the case to the regional counsel. When a case is reassigned, the private attorney may seek compensation from the Justice Administrative Commission for representation not recoverable from any assets of the person in an amount approved by the court as a pro rata portion of the compensation limits prescribed in the General Appropriations Act.

(d) The regional counsel may not represent any plaintiff in a civil action brought under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, or federal statutes, and may not represent a petitioner in a rule challenge under chapter 120, unless specifically authorized by law.

Section 7. Section 27.52, Florida Statutes, is amended to read:

27.52 Determination of indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of a public defender under s. 27.51 based upon an inability to pay must apply to the clerk of the court for a determination of indigent status using an application

form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

5. If applicable, the amount of any bail paid for the applicant's release from incarceration and the source of the funds.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

(b) An applicant shall pay a $50 application fee to the clerk for each application for court-appointed counsel filed. The applicant shall pay the fee within 7 days after submitting the application. If the applicant does not pay the fee prior to the disposition of the case, the clerk shall notify the court, and the court shall:

1. Assess the application fee as part of the sentence or as a condition of probation; or

2. Assess the application fee pursuant to s. 938.29.

(c) Notwithstanding any provision of law, court rule, or administrative order, the clerk shall assign the first $50 of any fees or costs paid by an indigent person as payment of the application fee. A person found to be indigent may not be refused counsel or other required due process services for failure to pay the fee.

(d) All application fees collected by the clerk under this section shall be transferred monthly by the clerk to the Department of Revenue for deposit in the Indigent Criminal Defense Trust Fund administered by the Justice Administrative Commission, to be used to as appropriated by the Legislature. The clerk may retain 2 percent of application fees collected monthly for administrative costs prior to remitting the remainder to the Department of Revenue.

(e)1. The clerk shall assist a person who appears before the clerk and requests assistance in completing the application, and the clerk shall notify the court if a person is unable to complete the application after the clerk has provided assistance.

2. If the person seeking appointment of a public defender is incarcerated, the public defender is responsible for providing the application to the person and assisting him or her in its completion and is responsible for submitting the application to the clerk on the person's behalf. The public defender may enter into an agreement for jail employees, pretrial services employees, or employees of other criminal justice agencies to assist the public defender in performing functions assigned to the public defender under this subparagraph.

(2) DETERMINATION BY THE CLERK.—The clerk of the court shall determine whether an applicant seeking appointment of a public defender is indigent based upon the information provided in the application and the criteria prescribed in this subsection.

(a)1. An applicant, including an applicant who is a minor or an adult tax-dependent person, is indigent if the applicant's income is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services or if the person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, or Supplemental Security Income (SSI).

2.a. There is a presumption that the applicant is not indigent if the applicant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in any such property having a net equity value of $2,500 or more, excluding the value of the person's homestead and one vehicle having a net value not exceeding $5,000.

b. Notwithstanding the information that the applicant provides, the clerk shall conduct a review of the property records for the county in which the applicant resides and the motor vehicle title records of the state to identify any property interests of the applicant under this subparagraph. The clerk shall evaluate and consider the results of the review in making its determination under this subsection. The clerk shall maintain the results of the review in a file with the application and provide the file to the court if the applicant seeks review under subsection (4) of the clerk's determination of indigent status.

(b) Based upon its review, the clerk shall make one of the following determinations:

1. The applicant is not indigent.

2. The applicant is indigent.

(c)1. If the clerk determines that the applicant is indigent, the clerk shall submit the determination to the office of the public defender and immediately file the determination in the case file.

2. If the public defender is unable to provide representation due to a conflict pursuant to s. 27.5303, the public defender shall move the court for withdrawal from representation and appointment of the office of criminal conflict and civil regional counsel.

(d) The duty of the clerk in determining whether an applicant is indigent shall be limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. The determination of indigent status is a ministerial act of the clerk and not a decision based on further investigation or the exercise of independent judgment by the clerk. The clerk may contract with third parties to perform functions assigned to the clerk under this section.

(e) The applicant may seek review of the clerk's determination that the applicant is not indigent in the court having jurisdiction over the matter at the next scheduled hearing. If the applicant seeks review of the clerk's determination of indigent status, the court shall make a final determination as provided in subsection (4).

(3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.—If the clerk of the court has not made a determination of indigent status at the time a person requests appointment of a public defender, the court shall make a preliminary determination of indigent status, pending further review by the clerk, and may, by court order, appoint a public defender, the office of criminal conflict and civil regional counsel, or private counsel on an interim basis.

(4) REVIEW OF CLERK'S DETERMINATION.—

(a) If the clerk of the court determines that the applicant is not indigent, and the applicant seeks review of the clerk's determination, the court shall make a final determination of indigent status by reviewing the information provided in the application against the criteria prescribed in subsection (2) and by considering the following additional factors:

1. Whether the applicant has been released on bail in an amount of $5,000 or more.

2. Whether a bond has been posted, the type of bond, and who paid the bond.

3. Whether paying for private counsel in an amount that exceeds the limitations in s. 27.5304, or other due process services creates a substantial hardship for the applicant or the applicant's family.

4. Any other relevant financial circumstances of the applicant or the applicant's family.

(b) Based upon its review, the court shall make one of the following determinations and, if the applicant is indigent, shall appoint a public defender, the office of criminal conflict and civil regional counsel, or, if appropriate, private counsel:

1. The applicant is not indigent.

2. The applicant is indigent.

(5) INDIGENT FOR COSTS.—A person who is ~~eligible to be represented by a public defender under s. 27.51 but who is~~ represented by private counsel not appointed by the court for a reasonable fee as approved by the court, or on a pro bono basis, or who is proceeding pro se, may move the court for a determination that he or she is indigent for costs and eligible for the

provision of due process services, as prescribed by ss. 29.006 and 29.007, funded by the state.

(a) The person must file a written motion with the court and submit to the court:

1. The completed application prescribed in subsection (1).

2. In the case of a person represented by counsel, an affidavit attesting to the estimated amount of attorney's fees and the source of payment for these fees.

(b) The person shall arrange for service of a copy of the motion and attachments on the Justice Administrative Commission. The commission has standing to appear before the court to contest any motion to declare a person indigent for costs and may participate in a hearing on the motion by use of telephonic or other communication equipment.

(c) If the person did not apply for a determination of indigent status under subsection (1) in the same case and is not already liable for the application fee required under that subsection, he or she becomes liable for payment of the fee upon filing the motion with the court.

(d)~~(b)~~ In reviewing the motion, the court shall consider:

1. Whether the applicant applied for a determination of indigent status under subsection (1) and the outcome of such application.

2. The extent to which the person's income equals or exceeds the income criteria prescribed in subsection (2).

3. The additional factors prescribed in subsection (4).

4. Whether the applicant is proceeding pro se.

5. When the applicant retained private counsel.

6. The amount of any attorney's fees and who is paying the fees. There is a presumption that the applicant is not indigent for costs if the amount of attorney's fees exceeds $5,000 for a noncapital case or $25,000 for a capital case in which the state is seeking the death penalty. To overcome this presumption, the applicant has the burden to show through clear and convincing evidence that the fees are reasonable based on the nature and complexity of the case. In determining the reasonableness of the fees, the court shall consider the amount that a private court-appointed attorney paid by the state would receive for providing representation for the type of case.

(e)~~(c)~~ Based upon its review, the court shall make one of the following determinations:

1. The applicant is not indigent for costs.

2. The applicant is indigent for costs.

(f)~~(d)~~ The provision of due process services based upon a determination that a person is indigent for costs under this subsection must be effectuated pursuant to a court order, a copy of which the clerk shall provide to counsel representing the person, or to the person directly if he or she is proceeding pro se, for use in requesting payment of due process expenses through the Justice Administrative Commission. Private counsel representing a person declared indigent for costs shall execute the Justice Administrative Commission's contract for counsel representing persons determined to be indigent for costs. Private counsel representing a person declared indigent for costs may not receive state funds, either directly or on behalf of due process providers, unless the attorney has executed the contract required under this paragraph.

(g) Costs shall be reimbursed at the rates established under ss. 27.425 and 27.5305. To receive reimbursement of costs, either directly or on behalf of due process providers, private counsel representing a person declared indigent for costs shall comply with the procedures and requirements under this chapter governing billings by and compensation of private court-appointed counsel.

(h) The court may not appoint an attorney paid by the state based on a finding that the defendant is indigent for costs if the defendant has privately retained and paid counsel.

(i) A defendant who is found guilty of a criminal act by a court or jury or enters a plea of guilty or nolo contendere and who received due process services after being found indigent for costs under this subsection is liable for payment of due process costs expended by the state.

1. The attorney representing the defendant, or the defendant if he or she is proceeding pro se, shall provide an accounting to the court delineating all costs paid or to be paid by the state within 90 days after disposition of the case notwithstanding any appeals.

2. The court shall issue an order determining the amount of all costs paid by the state and any costs for which prepayment was waived under this section or s. 57.081. The clerk shall cause a certified copy of the order to be recorded in the official records of the county, at no cost. The recording constitutes a lien against the person in favor of the state in the county in which the order is recorded. The lien may be enforced in the same manner prescribed in s. 938.29.

3. If the attorney or the pro se defendant fails to provide a complete accounting of costs expended by the state and consequently costs are omitted from the lien, the attorney or pro se defendant may not receive reimbursement or any other form of direct or indirect payment for those costs if the state has not paid the costs. The attorney or pro se defendant shall repay the state for those costs if the state has already paid the costs. The clerk of the court may establish a payment plan under s. 28.246 and may charge the attorney or pro se defendant a one-time administrative processing charge under s. 28.24(26)(c).

(6) DUTIES OF PARENT OR LEGAL GUARDIAN.—A nonindigent parent or legal guardian of an applicant who is a minor or an adult tax-dependent person shall furnish the minor or adult tax-dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to chapter 985, a criminal prosecution in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section does not bar the appointment of legal counsel pursuant to this section, s. 27.40, or s. 27.5303. When the public defender, the office of criminal conflict and civil regional counsel, a private court-appointed conflict counsel, or a private attorney is appointed to represent a minor or an adult tax-dependent person in any proceeding in circuit court or in a criminal proceeding in any other court, the parents or the legal guardian shall be liable for payment of the fees, charges, and costs of the representation even if the person is a minor being tried as an adult. Liability for the fees, charges, and costs of the representation shall be imposed in the form of a lien against the property of the nonindigent parents or legal guardian of the minor or adult tax-dependent person. The lien is enforceable as provided in s. 27.561 or s. 938.29.

(7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

(a) If the court learns of discrepancies between the application or motion and the actual financial status of the person found to be indigent or indigent for costs, the court shall determine whether the public defender, office of criminal conflict and civil regional counsel, or private attorney shall continue representation or whether the authorization for any other due process services previously authorized shall be revoked. The person may be heard regarding the information learned by the court. If the court, based on the information, determines that the person is not indigent or indigent for costs, the court shall order the public defender, office of criminal conflict and civil regional counsel, or private attorney to discontinue representation and revoke the provision of any other authorized due process services.

(b) If the court has reason to believe that any applicant, through fraud or misrepresentation, was improperly determined to be indigent or indigent for costs, the matter shall be referred to the state attorney. Twenty-five percent of any amount recovered by the state attorney as reasonable value of the services rendered, including fees, charges, and costs paid by the state on the person's behalf, shall be remitted to the Department of Revenue for deposit into the Grants and Donations Trust Fund within the Justice Administrative Commission. Seventy-five percent of any amount recovered shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

(c) A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Subsection (4) of section 27.5304, Florida Statutes, is amended to read:

27.5304 Private court-appointed counsel; compensation.—

(4)(a) The attorney shall submit a bill for attorney's fees, costs, and related expenses within 90 days after the disposition of the case at the lower court level, notwithstanding any appeals. The Justice Administrative Commission shall provide by contract with the attorney for imposition of a penalty of:

1. Fifteen ~~15~~ percent of the allowable attorney's fees, costs, and related expenses for a bill that is submitted more than 90 days after the disposition of the case at the lower court level, notwithstanding any appeals~~;~~.

2. For cases for which disposition occurs on or after July 1, 2010, 50 percent of the allowable attorney's fees, costs, and related expenses for a bill that is submitted more than 1 year after the disposition of the case at the lower court level, notwithstanding any appeals; and

3. For cases for which disposition occurs on or after July 1, 2010, 75 percent of the allowable attorney's fees, costs, and related expenses for a bill that is submitted more than 2 years after the disposition of the case at the lower court level, notwithstanding any appeals.

(b) For purposes of this subsection, the term "disposition" means:

1. At the trial court level, that the court has entered a final appealable judgment, unless rendition of judgment is stayed by the filing of a timely motion for rehearing. The filing of a notice of appeal does not stay the time for submission of an intended billing; and

2. At the appellate court level, that the court has issued its mandate.

Section 9. Section 27.5305, Florida Statutes, is created to read:

27.5305 Attorney or provider compensation; conditions; requirements.—The provisions of this section apply to the payment by the state through the Justice Administrative Commission of legal fees and due process costs in an eligible criminal or civil matter when a person receives the services of a private court-appointed attorney or is declared indigent for costs under s. 27.52 or s. 57.082.

(1) ELECTRONIC FUNDS TRANSFER.—A person, as defined in s. 1.01, requesting compensation from the state through the Justice Administrative Commission for the provision of criminal or civil legal representation or other due process services must, as a condition for compensation, participate in a direct-deposit program under which the person authorizes the transfer of funds electronically to an account in the person's name at a federal- or state-chartered financial institution.

(a) The Justice Administrative Commission may exempt a person from compliance with this section if the commission finds that participation in a direct-deposit program creates a financial hardship for the person.

(b) This subsection applies to compensation for services that are provided on or after January 1, 2011.

(2) TRANSCRIPTS.—

(a) The state may pay for the cost of preparing a transcript of a deposition only if the private court-appointed attorney secures an order from the court finding that preparation of the transcript is necessary, in which case the state may pay for one original and one copy only.

(b) The state may pay for the cost of one original transcript of any deposition, hearing, or other proceeding. Any other payment for a transcript of that same deposition, hearing, or other proceeding, regardless of whether the transcript is an additional original transcript or a copy, shall be at the rate paid for a copy of a transcript. This paragraph applies regardless of which state agency pays for the first original transcript.

(3) COURT REPORTERS; INVESTIGATORS.—Beginning with the 2010-2011 fiscal year, and applicable to services performed starting in that year, uniform statewide rates shall be prescribed annually in the General Appropriations Act for the payment of:

(a) Court reporting services that are not provided through the state courts system; and

(b) Private investigation services.

(4) EXPERT WITNESSES; MITIGATION SPECIALISTS.—A private court-appointed attorney must obtain authorization from the court to employ an out-of-state expert or mitigation specialist upon a showing that an expert or mitigation specialist who has appropriate skills or expertise is not available from within the county in which the case was filed or from elsewhere in the state. An order authorizing the employment must be in writing and contain specific findings regarding the unavailability of a qualified in-state expert or mitigation specialist. The attorney shall submit a copy of the order to the Justice Administrative Commission.

(5) RIGHT TO DISCOVERY.—The Justice Administrative Commission has a right to engage in discovery in accordance with the Florida Rules of Civil Procedure on a motion to the court seeking payment of attorney's fees, costs, or other expenses. This right includes a reasonable opportunity to obtain discovery prior to a hearing on the motion.

Section 10. Subsection (12) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and civil regional counsel, and private court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

Charges

(12) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:

(a) First page or fraction thereof 5.00

(b) Each additional page or fraction thereof 4.00

(c) For indexing instruments recorded in the official records which contain more than four names, per additional name 1.00

(d) An additional service charge shall be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records:

1. First page..... 1.00

2. Each additional page..... 0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. In a county where the duty of maintaining official records exists in an office other than the office of the clerk of the circuit court, the clerk of the circuit court is entitled to 25 percent of the moneys deposited into the trust fund for equipment, maintenance of equipment, training, and technical assistance in modernizing the system for storing records in the office of the clerk of the circuit court. The fund may not be used for the payment of travel expenses, membership dues, bank charges, staff-recruitment costs, salaries or benefits of employees, construction costs, general operating expenses, or other costs not directly related to obtaining and maintaining equipment for public records systems or for the purchase of furniture or office supplies and equipment not related to the storage of records. On or before December 1, 1995, and on or before December 1 of each year immediately preceding each year during which the trust fund is scheduled for legislative review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since the last report was filed; each obligation payable from the trust fund on that date; and the percentage of funds expended for each of the following: equipment, maintenance of equipment, personnel training, and technical assistance. The report must indicate the nature of the system each clerk uses to store, maintain, and retrieve public records and the degree to which the system has been upgraded since the creation of the trust fund.

(e) An additional service charge of $4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional $4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 10 cents shall

be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, in which system all clerks shall participate on or before January 1, 2006; $1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and $2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in s. 29.008(1)(f)2. and (h) for the state trial courts, state attorney, public defender, and, at the board's discretion, criminal conflict and civil regional counsel in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding any other provision of law, the county is not required to provide additional funding beyond that provided herein for the court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All court records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records, except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records. The clerk of court or any entity acting on behalf of the clerk of court, including an association, shall not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

2. If the state becomes legally responsible for the costs of court-related technology needs as defined in s. 29.008(1)(f)2. and (h), whether by operation of general law or by court order, $4 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

Section 11. Paragraph (a) of subsection (1) of section 28.241, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

28.241 Filing fees for trial and appellate proceedings.—

(1)(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to $395 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $265 in filing fees, $118 ~~$80~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund. One third of any filing fees collected by the clerk of the circuit court in excess of $100 shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

b. Except where the assessment of a filing fee is otherwise prohibited by law, the party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to $295 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $203 ~~$165~~ in filing fees, $118 ~~$80~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $80 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.

c. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is $50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $303 ~~$265~~ in filing fees, $118 ~~$80~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund;

(II) Nine hundred dollars in all cases in which the value of the claim is more than $50,000 but less than $250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $808 ~~$770~~ in filing fees, $118 ~~$80~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $685 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation described in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next $15 of the filing fee

collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is $250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $1,808 ~~$1,770~~ in filing fees, $118 ~~$80~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $1,685 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next $15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.

e. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

(7) Nothing in this section or in the revisions made to it by chapters 2009-61 and 2009-204, Laws of Florida, authorizes the assessment of a filing fee if the assessment is otherwise prohibited by law.

Section 12. Section 28.245, Florida Statutes, is amended to read:

28.245 Transmittal of funds to Department of Revenue; uniform remittance form required.—Notwithstanding any other provision of law, all moneys collected by the clerks of the court as part of the clerk's court-related functions for subsequent distribution to any state entity, including deposits into the Clerk of Court Trust Fund within the Justice Administrative Commission, shall be transmitted electronically to the Department of Revenue within 7 working days after the end of the week in which the moneys were collected ~~must be transmitted electronically, by the 20th day of the month immediately following the month in which the moneys are collected, to the Department of Revenue for appropriate distribution~~. A uniform remittance form provided by the Department of Revenue detailing the specific amounts due each fund must accompany such submittal. All moneys collected by the clerks of court for remittance to any entity must be distributed pursuant to the law in effect at the time of collection.

Section 13. Subsections (3) and (10) of section 28.36, Florida Statutes, are amended to read

28.36 Budget procedure.—There is established a budget procedure for preparing budget requests for funding for the court-related functions of the clerks of the court.

(3) Each clerk shall include in his or her budget request the number of personnel and the proposed budget for each of the following core services:

(a) Circuit criminal ~~Case processing~~.

(b) County criminal ~~Financial processing~~.

(c) Juvenile delinquency ~~Jury management~~.

(d) Criminal traffic ~~Information and reporting~~.

(e) Circuit civil.

(f) County civil.

(g) Civil traffic.

(h) Probate.

(i) Family.

(j) Juvenile dependency.

Central administrative costs shall be allocated among the core-services categories.

(10) ~~For the 2009-2010 fiscal year, the corporation shall release appropriations in an amount equal to one-twelfth of each clerk's approved budget each month. The statewide total appropriation for the 2009-2010 fiscal year shall be set in the General Appropriations Act. The corporation shall determine the amount of each clerk of court budget, but the statewide total of such amounts may not exceed the amount listed in the General Appropriations Act.~~ Beginning in the 2010-2011 fiscal year, the corporation shall release appropriations to each clerk monthly, except for the first month of the fiscal year, which shall be based on estimate of 1 month's service units ~~quarterly~~. The amount of the release after the first month of the fiscal year shall be based on the prior month's ~~quarter's~~ performance of service units identified in the ~~four~~ core services and the established unit costs for each clerk. If, during the year the corporation determines that the projected reimbursement for service units will result in statewide expenditures greater than the amount appropriated by law, the corporation shall reduce all service unit costs of all clerks by the amount necessary to ensure that projected units of service are funded within the total amount appropriated to the clerks of court. If such action is necessary, the corporation shall notify the Legislative Budget Commission prior to taking action. If the Legislative Budget Commission does not approve the adjustments, the commission shall adjust all service unit costs in an amount necessary to ensure that projected units of service are funded within the total amount appropriated to the clerks of court at the next scheduled meeting of the commission.

Section 14. Subsection (1) of section 29.001, Florida Statutes, is amended to read:

29.001 State courts system elements and definitions.—

(1) For the purpose of implementing s. 14, Art. V of the State Constitution, the state courts system is defined to include the enumerated elements of the Supreme Court, district courts of appeal, circuit courts, county courts, and certain supports thereto. The offices of public defenders and state attorneys are defined to include the enumerated elements of the 20 state attorneys' offices and the enumerated elements of the 20 public defenders' offices ~~and five offices of criminal conflict and civil regional counsel~~. Court-appointed counsel are defined to include the enumerated elements for counsel appointed to ensure due process in criminal and civil proceedings in accordance with state and federal constitutional guarantees. Funding for the state courts system, the state attorneys' offices, the public defenders' offices, the offices of criminal conflict and civil regional counsel, and other court-appointed counsel shall be provided from state revenues appropriated by general law.

Section 15. Section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" includes the offices and staffing of the guardian ad litem programs~~, and the term "public defenders' offices" includes the offices of criminal conflict and civil regional counsel~~. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term "facility" includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a

local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services, except this requirement applies only to facilities that are leased, or on which construction commences, after June 30, 2003. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services.

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, public defenders, and guardians ad litem~~, and criminal conflict and civil regional counsel~~. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communications services as defined in paragraph (f).

(b) "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition or lease of facilities for all judicial officers, staff, jurors, volunteers of a tenant agency, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

(c) "Maintenance" includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders' offices, and state attorneys' offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) "Utilities" means all electricity services for light, heat, and power; natural or manufactured gas services for light, heat, and power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, audio equipment, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, guardians ad litem, ~~criminal conflict and civil regional counsel,~~ and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, public defenders, and guardians ad litem~~, and criminal conflict and civil regional counsel~~; training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, the guardian ad litem offices, ~~the offices of criminal conflict and civil regional counsel,~~ and the offices of the clerks of the circuit and county courts; and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to former s. 29.0086.

3. Courier messenger and subpoena services.

4. Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, sign language interpretation services required under the federal Americans with Disabilities Act other than services required to satisfy due-process requirements and identified as a state funding responsibility pursuant to ss. 29.004, 29.005, 29.006, and 29.007, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system, including associated staff and expenses, to meet local requirements.

(a) Local requirements are those specialized programs, nonjudicial staff, and other expenses associated with specialized court programs, specialized prosecution needs, specialized defense needs, or resources required of a local jurisdiction as a result of special factors or circumstances. Local requirements exist:

1. When imposed pursuant to an express statutory directive, based on such factors as provided in paragraph (b); or

2. When:

a. The county has enacted an ordinance, adopted a local program, or funded activities with a financial or operational impact on the circuit or a county within the circuit; or

b. Circumstances in a given circuit or county result in or necessitate implementation of specialized programs, the provision of nonjudicial staff and expenses to specialized court programs, special prosecution needs, specialized defense needs, or the commitment of resources to the court's jurisdiction.

(b) Factors and circumstances resulting in the establishment of a local requirement include, but are not limited to:

1. Geographic factors;

2. Demographic factors;

3. Labor market forces;

4. The number and location of court facilities; or

5. The volume, severity, complexity, or mix of court cases.

(c) Local requirements under subparagraph (a)2. must be determined by the following method:

1. The chief judge of the circuit, in conjunction with the state attorney and~~,~~ the public defender~~, and the criminal conflict and civil regional counsel only~~ on matters that impact only their offices, shall identify all local requirements within the circuit or within each county in the circuit and shall identify the reasonable and necessary salaries, costs, and expenses to meet these local requirements.

2. On or before June 1 of each year, the chief judge shall submit to the board of county commissioners a tentative budget request for local requirements for the ensuing fiscal year. The tentative budget must certify a listing of all local requirements and the reasonable and necessary salaries, costs, and expenses for each local requirement. The board of county commissioners may, by resolution, require the certification to be submitted earlier.

3. The board of county commissioners shall thereafter treat the certification in accordance with the county's budgetary procedures. A board of county commissioners may:

a. Determine whether to provide funding, and to what extent it will provide funding, for salaries, costs, and expenses under this section;

b. Require a county finance officer to conduct a preaudit review of any county funds provided under this section prior to disbursement;

c. Require review or audit of funds expended under this section by the appropriate county office; and

d. Provide additional financial support for the courts system, state attorneys, public defenders, or criminal conflict and civil regional counsel.

(d) Counties may satisfy these requirements by entering into interlocal agreements for the collective funding of these reasonable and necessary salaries, costs, and expenses.

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(a) Legal aid programs, which shall be funded at a level equal to or greater than the amount provided from filing fees and surcharges to legal aid programs from October 1, 2002, to September 30, 2003.

(b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.037.

(4)(a) The Department of Financial Services shall review county expenditure reports required under s. 29.0085 for the purpose of ensuring that counties fulfill the responsibilities of this section. The department shall compare county fiscal reports to determine if expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have increased by 1.5 percent over the prior county fiscal year. The initial review must compare county fiscal year 2005-2006 to county fiscal year 2004-2005. If the department finds that expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have not increased by 1.5 percent over the prior county fiscal year, the department shall notify the President of the Senate and the Speaker of the House of Representatives and the respective county. The Legislature may determine that a county has met its obligations for items specified in this section if the prior county fiscal year included nonrecurring expenditures for facilities or information technology that is not needed in the next county fiscal year or expenditures or actions that enable a county to attain efficiencies in providing services to the court system. The Legislature may direct the Department of Revenue to withhold revenue-sharing receipts distributed pursuant to part II of chapter 218, except for revenues used for paying the principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness allowed under s. 218.25(1), (2), or (4), from any county that is not in compliance with the funding obligations in this section by an amount equal to the difference between the amount spent and the amount that would have been spent had the county increased expenditures by 1.5 percent per year.

(b) The department shall transfer the withheld payments to the General Revenue Fund by March 31 of each year for the previous county fiscal year. These payments are appropriated to the Department of Revenue to pay for these responsibilities on behalf of the county.

Section 16. Section 29.0095, Florida Statutes, is repealed.

Section 17. Section 29.0195, Florida Statutes, is amended to read:

29.0195 Recovery of expenditures for state-funded services.—The trial court administrator of each circuit shall recover expenditures for state-funded services when those services have been furnished to a user of the state court system who possesses the present ability to pay. The rate of compensation for such services shall be the actual cost of the services, including the cost of recovery. The trial court administrator shall deposit moneys recovered under this section in the Administrative ~~Operating~~ Trust Fund within the state courts ~~court~~ system. The trial court administrator shall recover the costs of court reporter services and transcription; court interpreter services, including translation; and any other service for which state funds were used to provide a product or service within the circuit. This section does not authorize cost recovery from entities described in ss. 29.005, 29.006, and 29.007.

Section 18. Paragraph (a) of subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)(a) Upon the institution of any civil action, suit, or proceeding in county court, the party shall pay the following filing fee, not to exceed:

1. For all claims less than $100 ..... $50.
2. For all claims of $100 or more but not more than $500$75.
3. For all claims of more than $500 but not more than $2,500..... $170.
4. For all claims of more than $2,500 ..... $295.
5. In addition, for all proceedings of garnishment, attachment replevin, and distress ..... $85.
6. Notwithstanding subparagraphs 3. and 5., for all claims of not more than $1,000 filed simultaneously with an action for replevin of property that is the subject of the claim ..... $125.
7. For removal of tenant action ..... $180.

The filing fee prescribed in subparagraph 6. is the total fee due under this paragraph for that type of filing. No other filing fee under this paragraph shall be assessed against such a filing.

Section 19. Subsection (6) of section 35.22, Florida Statutes, is amended to read:

35.22 Clerk of district court; appointment; compensation; assistants; filing fees; teleconferencing.—

(6) The clerk of each district court of appeal is required to deposit all fees collected in the State Treasury to the credit of the General Revenue Fund, except that $50 of each $300 filing fee collected shall be deposited into the State Courts Revenue ~~state court's Operating~~ Trust Fund to fund court operations ~~improvement projects~~ as authorized in the General Appropriations Act. The clerk shall retain an accounting of each such remittance.

Section 20. Section 39.0134, Florida Statutes, is amended to read:

39.0134 Appointed counsel; compensation.—

(1) If counsel is entitled to receive compensation for representation pursuant to a court appointment in a dependency proceeding or a termination of parental rights proceeding pursuant to this chapter, compensation shall be paid in accordance with s. 27.5304. The state may acquire and enforce a lien upon court-ordered payment of attorney's fees and costs in the same manner prescribed in s. 938.29 ~~accordance with s. 984.08~~.

(2)(a) A parent whose child is dependent, whether or not adjudication was withheld, or whose parental rights are terminated and who has received the assistance of the office of criminal conflict and civil regional counsel, or any other court-appointed attorney, or who has received due process services after

being found indigent for costs under s. 57.082, shall be liable for payment of the assessed application fee under s. 57.082, together with reasonable attorney's fees and costs as determined by the court.

(b) If reasonable attorney's fees or costs are assessed, the court, at its discretion, may make payment of the fees or costs part of any case plan in dependency proceedings. However, a case plan may not remain open for the sole issue of payment of attorney's fees or costs. At the court's discretion, a lien upon court-ordered payment of attorney's fees and costs may be ordered by the court and enforced in the same manner prescribed in s. 938.29.

(c) The clerk of the court shall transfer monthly all attorney's fees and costs collected under this subsection to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, to be used as appropriated by the Legislature and consistent with s. 27.5111.

Section 21. Subsection (1) of section 39.821, Florida Statutes, is amended to read:

39.821 Qualifications of guardians ad litem.—

(1) Because of the special trust or responsibility placed in a guardian ad litem, the Guardian Ad Litem Program may use any private funds collected by the program, or any state funds so designated, to conduct a security background investigation before certifying a volunteer to serve. A security background investigation must include, but need not be limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Department of Law Enforcement. Upon request, an employer shall furnish a copy of the personnel record for the employee or former employee who is the subject of a security background investigation conducted under this section. The information contained in the personnel record may include, but need not be limited to, disciplinary matters and the reason why the employee was terminated from employment. An employer who releases a personnel record for purposes of a security background investigation is presumed to have acted in good faith and is not liable for information contained in the record without a showing that the employer maliciously falsified the record. A security background investigation conducted under this section must ensure that a person is not certified as a guardian ad litem if the person has been convicted of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under the provisions listed in s. 435.04 ~~of the Florida Statutes specified in s. 435.04(2) or under any similar law in another jurisdiction~~. Effective July 1, 2010, all applicants must undergo a level 2 background screening pursuant to chapter 435 before being certified ~~Before certifying an applicant to serve~~ as a guardian ad litem, and the Guardian Ad Litem Program may request a federal criminal records check of the applicant through the Federal Bureau of Investigation. In analyzing and evaluating the information obtained in the security background investigation, the program must give particular emphasis to past activities involving children, including, but not limited to, child-related criminal offenses or child abuse. The program has the sole discretion in determining whether to certify a person based on his or her security background investigation. The information collected pursuant to the security background investigation is confidential and exempt from s. 119.07(1).

Section 22. Subsections (1) and (5) of section 57.082, Florida Statutes, are amended to read:

57.082 Determination of civil indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of an attorney in a civil case eligible for court-appointed counsel, or seeking relief from payment of filing fees and prepayment of costs under s. 57.081, based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

(b) The clerk shall assist a person who appears before the clerk and requests assistance in completing the application, and the clerk shall notify the court if a person is unable to complete the application after the clerk has provided assistance.

(c) The clerk shall accept an application that is signed by the applicant and submitted on his or her behalf by a private attorney who is representing the applicant in the applicable matter.

(d) A person who seeks appointment of an attorney in a proceeding ~~case~~ under chapter 39, at shelter hearings or during the adjudicatory process, during the judicial review process, upon the filing of a petition to terminate parental rights, or upon the filing of any appeal, or if the person seeks appointment of an attorney in a reopened proceeding ~~the trial or appellate level~~, for which an indigent person is eligible for court-appointed representation must~~, shall~~ pay a $50 application fee to the clerk for each application filed. A person is not required to pay more than one application fee per case. However, an appeal or the reopening of a proceeding shall be deemed to be a distinct case. The applicant must ~~shall~~ pay the fee within 7 days after submitting the application. If the applicant has not paid the fee within 7 days, the court shall enter an order requiring payment, and the clerk shall pursue collection under s. 28.246. The clerk shall transfer monthly all application fees collected under this paragraph to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, to be used as appropriated by the Legislature. The clerk may retain 10 percent of application fees collected monthly for administrative costs prior to remitting the remainder to the Department of Revenue. ~~A person found to be indigent may not be refused counsel.~~ If the person cannot pay the application fee, the clerk shall enroll the person in a payment plan pursuant to s. 28.246.

(5) APPOINTMENT OF COUNSEL.—In appointing counsel after a determination that a person is indigent under this section, the court shall first appoint the office of criminal conflict and civil regional counsel, as provided in s. 27.511, unless specific provision is made in law for the appointment of the public defender in the particular civil proceeding. The court shall also order the person to pay the application fee under subsection (1), or enroll in a payment plan if he or she is unable to pay the fee, if the fee remains unpaid or if the person has not enrolled in a payment plan at the time the court appoints counsel. However, a person who is found to be indigent may not be refused counsel.

Section 23. Subsection (2) of section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—

(2) Except as provided in subsection (3), any person convicted of reckless driving shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 90 days or by fine of not less than $100 ~~$25~~ nor more than $500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction, by imprisonment for not more than 6 months or by a fine of not less than $200 ~~$50~~ nor more than $1,000, or by both such fine and imprisonment.

Section 24. Effective October 1, 2010, subsection (4) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(4) The owner of any motor vehicle registered in the state shall notify the department in writing of any change of address within 60 ~~20~~ days after ~~of~~ such change. The notification shall include the registration license plate number, the

vehicle identification number (VIN) or title certificate number, year of vehicle make, and the owner's full name.

Section 25. Effective October 1, 2010, section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—No person shall alter the original appearance of any registration license plate, mobile home sticker, validation sticker, or vehicle registration certificate issued for and assigned to any motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. No person shall apply or attach any substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate that interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate. Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318 ~~misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

Section 26. Effective October 1, 2010, subsection (3) of section 320.131, Florida Statutes, is amended to read:

320.131 Temporary tags.—

(3) Any person or corporation who unlawfully issues or uses a temporary tag or violates this section or any rule adopted by the department to implement this section is guilty of a noncriminal infraction, punishable as a moving violation as provided in chapter 318 ~~misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083~~ in addition to other administrative action by the department.~~, except that~~ Using a temporary tag that has been expired for a period of 7 days or less is a noncriminal infraction, and is a nonmoving violation punishable as provided for in chapter 318.

Section 27. Effective October 1, 2010, section 320.38, Florida Statutes, is amended to read:

320.38 When nonresident exemption not allowed.—The provisions of s. 320.37 authorizing the operation of motor vehicles over the roads of this state by nonresidents of this state when such vehicles are duly registered or licensed under the laws of some other state or foreign country do not apply to any nonresident who accepts employment or engages in any trade, profession, or occupation in this state, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61). In every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 60 ~~10~~ days after the commencement of such employment or education, register his or her motor vehicles in this state if such motor vehicles are proposed to be operated on the roads of this state. Any person who is enrolled as a student in a college or university and who is a nonresident but who is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 1005.02, is not required to have a Florida registration for the duration of the work-study program if the person's vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institution of higher learning is also exempt for the duration of such enrollment.

Section 28. Effective October 1, 2010, subsections (1) and (5) of section 322.03, Florida Statutes, are amended to read:

322.03 Drivers must be licensed; penalties.—

(1) Except as otherwise authorized in this chapter, a person may not drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under this chapter.

(a) A person who drives a commercial motor vehicle may not receive a driver's license unless and until he or she surrenders to the department all driver's licenses in his or her possession issued to him or her by any other jurisdiction or makes an affidavit that he or she does not possess a driver's license. Any such person who fails to surrender such licenses commits a noncriminal infraction punishable as a moving violation as set forth in chapter 318. Any such person ~~or~~ who makes a false affidavit concerning such licenses commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) All surrendered licenses may be returned by the department to the issuing jurisdiction together with information that the licensee is now licensed in a new jurisdiction or may be destroyed by the department, which shall notify the issuing jurisdiction of such destruction. A person may not have more than one valid driver's license at any time.

(c) Part-time residents of this state issued a license that is valid within this state only under paragraph (b) as that paragraph existed before November 1, 2009, may continue to hold such license until the next issuance of a Florida driver's license or identification card. Licenses that are identified as "Valid in Florida Only" may not be issued or renewed effective November 1, 2009. This paragraph expires June 30, 2017.

(5) It is a violation of this section for any person whose driver's license has been expired for more than 6 ~~4~~ months to operate a motor vehicle on the highways of this state.

Section 29. Effective October 1, 2010, subsections (5) and (6) of section 322.16, Florida Statutes, are amended to read:

322.16 License restrictions.—

~~(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a license issued to him or her except for a violation of paragraph (1)(d), subsection (2), or subsection (3).~~

(5)~~(6)~~ Any person who operates a motor vehicle in violation of the restrictions imposed in this section ~~subsection (2) or subsection (3)~~ will be charged with a moving violation and fined in accordance with chapter 318.

Section 30. Paragraph (a) of subsection (2) of section 394.4599, Florida Statutes, is amended to read:

394.4599 Notice.—

(2) INVOLUNTARY PATIENTS.—

(a) Whenever notice is required to be given under this part, such notice shall be given to the patient and the patient's guardian, guardian advocate, attorney, and representative.

1. When notice is required to be given to a patient, it shall be given both orally and in writing, in the language and terminology that the patient can understand, and, if needed, the facility shall provide an interpreter for the patient.

2. Notice to a patient's guardian, guardian advocate, attorney, and representative shall be given by United States mail and by registered or certified mail with the receipts attached to the patient's clinical record. Hand delivery by a facility employee may be used as an alternative, with delivery documented in the clinical record. If notice is given by ~~a state attorney or~~ an attorney for the department, a certificate of service shall be sufficient to document service.

Section 31. Subsection (3) of section 394.4615, Florida Statutes, is amended to read:

394.4615 Clinical records; confidentiality.—

(3) Information from the clinical record may be released in the following circumstances:

(a) When a patient has declared an intention to harm other persons. When such declaration has been made, the administrator may authorize the release of sufficient information to provide adequate warning to the person threatened with harm by the patient.

(b) When the administrator of the facility or secretary of the department deems release to a qualified researcher as defined in administrative rule, an aftercare treatment provider, or an employee or agent of the department is necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, aftercare planning, or evaluation of programs.

For the purpose of determining whether a person meets the criteria for involuntary outpatient placement or for preparing the proposed treatment plan pursuant to s. 394.4655, the clinical record may be released to ~~the state attorney,~~ the public defender or the patient's private legal counsel, the court, and to the appropriate mental health professionals, including the service provider identified in s. 394.4655(6)(b)2., in accordance with state and federal law.

Section 32. Paragraph (c) of subsection (3), paragraph (a) of subsection (6), and paragraph (a) of subsection (7) of section 394.4655, Florida Statutes, are amended to read:

394.4655 Involuntary outpatient placement.—

(3) PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.—

(c) The petition for involuntary outpatient placement must be filed in the county where the patient is located, unless the patient is being placed from a state treatment facility, in which case the petition must be filed in the county where the patient will reside. When the petition has been filed, the clerk of the court shall provide copies of the petition and the proposed treatment plan to the department, the patient, the patient's guardian or representative, ~~the state attorney,~~ and the public defender or the patient's private counsel. A fee may not be charged for filing a petition under this subsection.

(6) HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. The court shall hold the hearing on involuntary outpatient placement within 5 working days after the filing of the petition, unless a continuance is granted. The hearing shall be held in the county where the petition is filed, shall be as convenient to the patient as is consistent with orderly procedure, and shall be conducted in physical settings not likely to be injurious to the patient's condition. If the court finds that the patient's attendance at the hearing is not consistent with the best interests of the patient and if the patient's counsel does not object, the court may waive the presence of the patient from all or any portion of the hearing. ~~The state attorney for the circuit in which the patient is located shall represent the state, rather than the petitioner, as the real party in interest in the proceeding.~~

2. The court may appoint a master to preside at the hearing. One of the professionals who executed the involuntary outpatient placement certificate shall be a witness. The patient and the patient's guardian or representative shall be informed by the court of the right to an independent expert examination. If the patient cannot afford such an examination, the court shall provide for one. The independent expert's report shall be confidential and not discoverable, unless the expert is to be called as a witness for the patient at the hearing. The court shall allow testimony from individuals, including family members, deemed by the court to be relevant under state law, regarding the person's prior history and how that prior history relates to the person's current condition. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The patient may refuse to testify at the hearing.

(7) PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. If the person continues to meet the criteria for involuntary outpatient placement, the service provider shall, before the expiration of the period during which the treatment is ordered for the person, file in the circuit court a petition for continued involuntary outpatient placement.

2. The existing involuntary outpatient placement order remains in effect until disposition on the petition for continued involuntary outpatient placement.

3. A certificate shall be attached to the petition which includes a statement from the person's physician or clinical psychologist justifying the request, a brief description of the patient's treatment during the time he or she was involuntarily placed, and an individualized plan of continued treatment.

4. The service provider shall develop the individualized plan of continued treatment in consultation with the patient or the patient's guardian advocate, if appointed. When the petition has been filed, the clerk of the court shall provide copies of the certificate and the individualized plan of continued treatment to the department, the patient, the patient's guardian advocate, ~~the state attorney,~~ and the patient's private counsel or the public defender.

Section 33. Subsection (3) and paragraph (a) of subsection (6) of section 394.467, Florida Statutes, are amended to read:

394.467 Involuntary inpatient placement.—

(3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The administrator of the facility shall file a petition for involuntary inpatient placement in the court in the county where the patient is located. Upon filing, the clerk of the court shall provide copies to the department, the patient, the patient's guardian or representative, ~~and the state attorney~~ and public defender of the judicial circuit in which the patient is located. No fee shall be charged for the filing of a petition under this subsection.

(6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

(a)1. The court shall hold the hearing on involuntary inpatient placement within 5 days, unless a continuance is granted. The hearing shall be held in the county where the patient is located and shall be as convenient to the patient as may be consistent with orderly procedure and shall be conducted in physical settings not likely to be injurious to the patient's condition. If the court finds that the patient's attendance at the hearing is not consistent with the best interests of the patient, and the patient's counsel does not object, the court may waive the presence of the patient from all or any portion of the hearing. ~~The state attorney for the circuit in which the patient is located shall represent the state, rather than the petitioning facility administrator, as the real party in interest in the proceeding.~~

2. The court may appoint a general or special magistrate to preside at the hearing. One of the professionals who executed the involuntary inpatient placement certificate shall be a witness. The patient and the patient's guardian or representative shall be informed by the court of the right to an independent expert examination. If the patient cannot afford such an examination, the court shall provide for one. The independent expert's report shall be confidential and not discoverable, unless the expert is to be called as a witness for the patient at the hearing. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The patient may refuse to testify at the hearing.

Section 34. Subsection (1) of section 775.083, Florida Statutes, is amended to read:

775.083 Fines.—

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

(a) $15,000, when the conviction is of a life felony.

(b) $10,000, when the conviction is of a felony of the first or second degree.

(c) $5,000, when the conviction is of a felony of the third degree.

(d) $1,000, when the conviction is of a misdemeanor of the first degree.

(e) $500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.

(f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01, except that the clerk shall remit fines imposed when adjudication is withheld to the Department of Revenue for deposit ~~shall be deposited~~ in the General Revenue Fund ~~State Courts Revenue Trust Fund, and such fines imposed when adjudication is withheld are not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35~~. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain. As used in this subsection, the term "convicted" or "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

Section 35. Section 775.08401, Florida Statutes, is repealed.

Section 36. Subsection (5) of section 775.087, Florida Statutes, is repealed.

Section 37. Subsection (5) of section 775.0843, Florida Statutes, is amended to read:

775.0843 Policies to be adopted for career criminal cases.—

(5) Each career criminal apprehension program shall concentrate on the identification and arrest of career criminals and the support of subsequent prosecution. The determination of which suspected felony offenders shall be the subject of career criminal apprehension efforts shall be made in accordance with written target selection criteria selected by the individual law enforcement agency and state attorney consistent with the provisions of this section and s. ~~ss. 775.08401 and~~ 775.0842.

Section 38. Section 938.06, Florida Statutes, is amended to read:

938.06 ~~Additional~~ Cost for crime stoppers programs.—

(1) In addition to any fine prescribed by law, when a person is convicted of ~~for~~ any criminal offense, the county or circuit court shall assess ~~there is hereby assessed as~~ a court cost ~~an additional surcharge~~ of $20 ~~on such fine, which shall be imposed by all county and circuit courts and collected by the clerks of the courts together with such fine~~.

(2) The clerk of the court shall collect and forward, on a monthly basis, all costs assessed under this section, less $3 per assessment as a service charge to be retained by the clerk, to the Department of Revenue for deposit in the Crime Stoppers Trust Fund, to be used as provided in s. 16.555.

(3) As used in this section, the term "convicted" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

Section 39. Section 939.08, Florida Statutes, is amended to read:

939.08 Costs to be certified before audit.—In all cases wherein is claimed the payment of applicable bills of costs, fees, or expenses of the state courts system as provided in s. 29.004, other than juror and witness fees, in the adjudication of any case payable by the state, the trial court administrator or the administrator's designee shall review the itemized bill. The bill shall not be paid until the trial court administrator or the administrator's designee has approved it and certified that it is just, correct, and reasonable and contains no unnecessary or illegal item.

Section 40. Paragraph (a) of subsection (1) of section 939.185, Florida Statutes, is amended to read:

939.185 Assessment of additional court costs and surcharges.—

(1)(a) The board of county commissioners may adopt by ordinance an additional court cost, not to exceed $65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense under the laws of this state. Such additional assessment shall be accounted for separately by the county in which the offense occurred and be used only in the county imposing this cost, to be allocated as follows:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations, as determined by the chief judge of the circuit, to supplement state funding for the elements of the state courts system identified in s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.

2. Twenty-five percent of the amount collected shall be allocated to assist counties in providing legal aid programs required under s. 29.008(3)(a).

3. Twenty-five percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library.

4. Twenty-five percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, except as provided in s. 938.19(7), juvenile assessment centers, and other juvenile alternative programs.

Each county receiving funds under this section shall report the amount of funds collected pursuant to this section and an itemized list of expenditures for all authorized programs and activities. The report shall be submitted in a format developed by the Supreme Court to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives on a quarterly basis beginning with the quarter ending September 30, 2004. Quarterly reports shall be submitted no later than 30 days after the end of the quarter. Any unspent funds at the close of the county fiscal year allocated under subparagraphs 2., 3., and 4., shall be transferred for use pursuant to subparagraph 1.

Section 41. Subsection (15) is added to section 943.03, Florida Statutes, to read:

943.03 Department of Law Enforcement.—

(15) The Department of Law Enforcement, in consultation with the Criminal and Juvenile Justice Information Systems Council established in s. 943.06, shall modify the existing statewide uniform statute table in its criminal history system to meet the business requirements of state and local criminal justice and law enforcement agencies. In order to accomplish this objective, the department shall:

(a) Define the minimum business requirements necessary for successful implementation;

(b) Consider the charging and booking requirements of sheriffs' offices and police departments and the business requirements of state attorneys, public defenders, criminal conflict and civil regional counsel, clerks of court, judges, and state law enforcement agencies; and

(c) Adopt rules establishing the necessary technical and business process standards required to implement, operate, and ensure uniform system use and compliance.

The required system modifications and adopted rules shall be implemented by December 31, 2011.

Section 42. Paragraph (b) of subsection (3) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.—

(3)

(b) The fee per record for criminal history information provided pursuant to this subsection and s. 943.0542 is $24 per name submitted, except that the fee for the guardian ad litem program and vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs shall be $8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be $15 for each name submitted; and the fee for requests under s. 943.0542, which implements the National Child Protection Act, shall be $18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

Section 43. Subsection (2) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435, may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any

criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to petitioning the court to expunge a criminal history record, a person seeking to expunge a criminal history record shall apply to the department for a certificate of eligibility for expunction. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for expunction. A certificate of eligibility for expunction is valid for 12 months after the date stamped on the certificate when issued by the department. After that time, the petitioner must reapply to the department for a new certificate of eligibility. Eligibility for a renewed certification of eligibility must be based on the status of the applicant and the law in effect at the time of the renewal application. The department shall issue a certificate of eligibility for expunction to a person who is the subject of a criminal history record if that person:

(a) Provides a written, certified documentation of the following ~~Has obtained, and submitted to the department, a written, certified statement from the appropriate state attorney or statewide prosecutor which indicates~~:

1. That an indictment, information, or other charging document was not filed or issued in the case.

2. That an indictment, information, or other charging document, if filed or issued in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction, and that none of the charges related to the arrest or alleged criminal activity to which the petition to expunge pertains resulted in a trial, without regard to whether the outcome of the trial was other than an adjudication of guilt.

3. That the criminal history record does not relate to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435, where the defendant was found guilty of, or pled guilty or nolo contendere to any such offense, or that the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, such an offense as a delinquent act, without regard to whether adjudication was withheld.

(b) Remits a $75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains.

(d) Has never, prior to the date on which the application for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for committing any felony or a misdemeanor specified in s. 943.051(3)(b).

(e) Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to expunge pertains.

(f) Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058, unless expunction is sought of a criminal history record previously sealed for 10 years pursuant to paragraph (h) and the record is otherwise eligible for expunction.

(g) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to expunge pertains.

(h) Has previously obtained a court order sealing the record under this section, former s. 893.14, former s. 901.33, or former s. 943.058 for a minimum of 10 years because adjudication was withheld or because all charges related to the arrest or alleged criminal activity to which the petition to expunge pertains were not dismissed prior to trial, without regard to whether the outcome of the trial was other than an adjudication of guilt. The requirement for the record to have previously been sealed for a minimum of 10 years does not apply when a plea was not entered or all charges related to the arrest or alleged criminal activity to which the petition to expunge pertains were dismissed prior to trial.

Section 44. Subsection (4) of section 985.557, Florida Statutes, is repealed.

Section 45. The unexpended funds in the Operating Trust Fund from revenues collected pursuant to ss. 25.241 and 35.22, Florida Statutes, are transferred to the State Courts Revenue Trust Fund. All other unexpended funds in the Operating Trust Fund are transferred to the Administrative Trust Fund within the state courts system.

Section 46. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to the state judicial system; amending s. 25.241, F.S.; requiring that $50 from the Supreme Court filing fee be deposited into the State Courts Revenue Trust Fund; amending s. 25.3844, F.S.; renaming the Operating Trust Fund in the state courts system as the "Administrative Trust Fund"; amending s. 25.386, F.S.; directing that fees from the foreign language court interpreters program be deposited into the Administrative Trust Fund within the state courts system; amending s. 27.40, F.S.; requiring private court-appointed counsel compensated by the state to maintain records and documents in a prescribed manner; providing for waiver of the right to seek fees in excess of prescribed limits if the attorney refuses to allow the Justice Administrative Commission to review the documentation; providing that the commission's finding of a valid waiver of fees may be overcome by competent and substantial evidence; amending s. 27.425, F.S.; eliminating a requirement for the chief judge of the judicial circuit to recommend and submit compensation rates for state-funded due process service providers; requiring the Justice Administrative Commission to approve forms and procedures governing billings for the provision of due process services; amending s. 27.511, F.S.; providing for the appointment of criminal conflict and civil regional counsel in certain proceedings under the Florida Rules of Criminal Procedure and in certain adoption proceedings; providing for private court-appointed counsel, rather than criminal conflict and civil regional counsel, to have primary responsibility for representing minors in proceedings under the Parental Notice of Abortion Act; amending s. 27.52, F.S.; requiring the clerk of the court to review certain property records in evaluating an application from a criminal defendant for a determination of indigency; providing that the Justice Administrative Commission has standing in a motion seeking to have a person declared indigent for purposes of state payment of due process costs; providing a presumption that a person is not indigent for costs if the person's attorney's fees are being paid from private funds at a specified level; providing that the presumption may be overcome through clear and convincing evidence; providing requirements and rates for reimbursement of due process costs; providing that a person who receives state-funded due process services after being deemed indigent for costs is liable for repayment to the state; requiring the person to submit an accounting to the court of state-paid costs; providing for the court to issue an order determining the amount of the costs; providing for creation and enforcement of a repayment lien; amending s. 27.5304, F.S.; providing for a reduction in the amount paid for an attorney's fees, costs, and related expenses as increased penalties for submitting a bill to the state after prescribed periods; creating s. 27.5305, F.S.; prescribing conditions and requirements related to payment by the state of legal fees and the costs of due process services in certain criminal and civil cases; prescribing conditions and requirements governing electronic funds transfer, transcripts, court reporters and investigators, expert witnesses and mitigation specialists, and discovery; amending s. 28.24, F.S.; clarifying that

counties are not required to spend certain funds on court-related technology for the criminal conflict and civil regional counsel; amending s. 28.241, F.S.; increasing the portion of certain filing fees to be deposited into the General Revenue Fund; providing an exception to the imposition of filing fees in certain family law cases; amending s. 28.245, F.S.; requiring that the clerks of the court transmit deposits electronically to the Department of Revenue within a specified time; amending s. 28.36, F.S.; revising the core services for the budget requests for the clerks of the court; revising the procedures for the Florida Clerks of Court Operations Corporation to release appropriations each month; providing a procedure for the corporation to follow if the projected expenditures will exceed the amount appropriated by law; amending s. 29.001, F.S.; eliminating the offices of criminal conflict and civil regional counsel from inclusion in the defined elements of the "offices of public defenders" for purposes of certain state courts system funding; amending s. 29.008, F.S.; removing criminal conflict and civil regional counsel from the definition of the term "public defender offices" in the context of county responsibility for funding court-related functions; eliminating requirements for county funding of criminal conflict and civil regional counsel; repealing s. 29.0095, F.S., relating to a requirement for chief judges, state attorneys, and public defenders to submit budget expenditure reports; amending s. 29.0195, F.S.; providing for moneys from the recovery of expenditures for state-funded services to be deposited into the Administrative Trust Fund within the state courts system; amending s. 34.041, F.S.; specifying that the prescribed filing fee for an action involving claims of not more than $1,000 filed along with an action for replevin is the total filing fee; amending s. 35.22, F.S.; requiring that $50 from the District Court of Appeals filing fee be deposited into the State Courts Revenue Trust Fund; amending s. 39.0134, F.S.; providing that certain parents in proceedings related to children are liable for fees and costs after receiving legal representation or due process services funded by the state; authorizing the court to make payment of attorney's fees and costs part of a case plan in dependency proceedings; authorizing and providing for enforcement of a lien upon court-ordered payment of fees and costs; providing for deposit of fees and costs into the Indigent Civil Defense Trust Fund; amending s. 39.821, F.S.; requiring certain background screenings for persons certified as a guardian ad litem; amending s. 57.082, F.S.; prescribing circumstances for payment of an application fee when a person seeks to be determined indigent and eligible for appointment of counsel in proceedings relating to children; providing for the court to order payment of the fee and the clerk of the court to pursue collection of the fee; amending s. 316.192, F.S.; increasing the minimum fine for reckless driving; amending s. 320.02, F.S.; extending the time within which the owner of a motor vehicle registered within the state is required to notify the Department of Highway Safety and Motor Vehicles of a change of address; amending s. 320.061, F.S.; creating a noncriminal infraction for altering or obscuring a license plate or mobile home sticker; deleting the second-degree misdemeanor penalty imposed for the offense; amending s. 320.131, F.S.; creating a noncriminal traffic infraction for the unlawful use of a temporary tag; deleting the second-degree misdemeanor penalty imposed for the offense; amending s. 320.38, F.S.; extending the time within which a nonresident of the state is required to register his or her motor vehicle with the Department of Highway Safety and Motor Vehicles after commencing employment or education in the state; amending s. 322.03, F.S.; creating a noncriminal traffic infraction for a commercial motor vehicle driver who fails to surrender driver's licenses from other jurisdictions prior to issuance of a license by the Department of Highway Safety and Motor Vehicles; extending the period allowed for operating a motor vehicle following expiration of a driver's license; amending s. 322.16, F.S.; creating a noncriminal traffic infraction for persons who fail to abide by driver's license restrictions; deleting the second-degree misdemeanor penalty imposed for the offense; amending s. 394.4599, F.S., relating to the notice given to various parties upon a person's involuntary admission to a mental health facility; removing reference to the state attorney providing notice; amending s. 394.4615, F.S., relating to clinical records in cases of involuntary placement; removing the state attorney from the list of parties who are entitled to receive clinical records; amending s. 394.4655, F.S., relating to involuntary outpatient placement; removing the requirement for the clerk to provide a copy of the petition for involuntary outpatient placement to the state attorney; removing the requirement for the state attorney for the circuit in which the patient is located to represent the state in the proceeding; removing the requirement for the clerk of the court to provide copies of the certificate and treatment plan to the state attorney; amending s. 394.467, F.S., relating to involuntary inpatient placement; removing the requirement for the clerk of the court to provide a copy of the petition for involuntary inpatient placement to the state attorney; removing the requirement for the state attorney for the circuit in which the patient is located to represent the state at the hearing; amending s. 775.083, F.S.; redirecting revenues from certain criminal fines from the State Courts Revenue Trust Fund into the General Revenue Fund; repealing s. 775.08401, F.S., relating to criteria to be used by state attorneys when pursuing sanctions against habitual felony offenders and habitual violent felony offenders; repealing s. 775.087(5), F.S., relating to a provision requiring each state attorney to place in the court file a report explaining why a defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; amending s. 775.0843, F.S.; removing a cross-reference to conform to the repeal of the referenced statute; amending s. 938.06, F.S.; requiring the assessment of a court cost following conviction of a criminal offense; defining the term "convicted" for purposes of the assessed cost; amending s. 939.08, F.S.; authorizing a designee of the trial court administrator to review, approve, and certify certain bills related to costs, fees, or expenses of the state courts system; amending s. 939.185, F.S.; authorizing the chief judge of the circuit to determine innovations eligible for funding from a county-assessed court cost; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to modify the statewide uniform statute table in its criminal history system; amending s. 943.053, F.S.; providing for a discounted fee for criminal history record checks for the guardian ad litem program; amending s. 943.0585, F.S., relating to court-ordered expunction of criminal history records; removing the requirement for the state attorney or statewide prosecutor to provide written certified documentation to a person seeking a certificate of eligibility to expunge a criminal record; repealing s. 985.557(4), F.S., relating to a requirement for state attorneys to develop direct-file policies and guidelines for juveniles and report to the Governor and Legislature; transferring certain funds from the Operating Trust Fund to the State Courts Revenue Trust Fund and the Administrative Trust Fund within the state courts system; providing effective dates.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5403, with 1 amendment. Having refused to pass HB 5403 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5403—A bill to be entitled An act relating to trust funds; amending ss. 25.241 and 35.22, F.S.; providing for deposit of specified fees into the State Courts Revenue Trust Fund rather than the state court's Operating Trust Fund;

amending s. 832.08, F.S.; providing for deposit of bad check diversion program fees into the State Attorneys Revenue Trust Fund; amending s. 938.27, F.S.; providing for deposit of certain court costs after criminal convictions into the State Attorneys Revenue Trust Fund rather than the state attorney's grants and donations trust fund; transferring certain unexpended balances in trust funds to conform to changes made by this act; providing an effective date.

(Amendment Bar Code: 918394)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5501, with 1 amendment. Having refused to pass HB 5501 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5501—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; revising provisions for motor vehicle crash reports; providing for short-form crash reports to be completed under certain circumstances and maintained by the local law enforcement agency; authorizing law enforcement agencies to request supplemental reports from drivers and written reports from witnesses under certain circumstances; amending s. 322.02, F.S.; revising legislative intent relating to delivery of driver's license services by tax collectors; providing that it is the intent of the Legislature to transition all driver license issuance services from the Department of Highway Safety and Motor Vehicles to tax collectors; conforming a cross-reference; amending s. 322.135, F.S.; requiring the department to authorize any or all of the tax collectors in the several counties of the state to serve as its agent for the provision of specified driver's license services; removing an exemption from a fee charged by such agents; directing the department, in conjunction with the Florida Tax Collectors Association, to develop a plan to transition all driver's license issuance services to county tax collectors; requiring the plan to be submitted to the Legislature; removing procedures for approval of tax collectors as agents upon application by the tax collector; amending s. 322.20, F.S.; providing for county clerks of court and tax collectors to provide 3-year, 7-year, or complete driver records to any person upon collection of specified fees; requiring certain fees collected to be remitted to the department within a certain time period; amending ss. 322.2615, 324.051, 921.0022, F.S.; conforming cross-references; providing an effective date.

(Amendment Bar Code: 412436)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Section 316.066, Florida Statutes, amended to read:

316.066 Written reports of crashes.—

~~(1) The driver of a vehicle which is in any manner involved in a crash resulting in bodily injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least $500 shall, within 10 days after the crash, forward a written report of such crash to the department or traffic records center. However, when the investigating officer has made a written report of the crash pursuant to subsection (3), no written report need be forwarded to the department or traffic records center by the driver.~~

~~(2) The receiving entity may require any driver of a vehicle involved in a crash of which a written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department and may require witnesses of crashes to render reports to the department.~~

(1)~~(3)~~(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle crash shall complete and submit to the department a Florida Traffic Crash Report, Long Form, no later than 10 days after completing the investigation:

1. Which crash resulted in death or personal injury ~~shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center~~.

2. Which crash involved a violation of s. 316.061(1) or s. 316.193 ~~shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center~~.

3. In which crash a vehicle was rendered inoperative to a degree that ~~which~~ required a wrecker to remove it from traffic ~~may, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center~~ if such action is appropriate, in the officer's discretion.

(b) In every case in which a Florida Traffic Crash Report, Long Form, ~~crash report~~ is not required by this section ~~and a written report to a law enforcement officer is not prepared~~, the law enforcement officer may complete a short-form crash report or provide a short-form crash report to be completed by ~~shall provide~~ each party involved in the crash ~~a short-form report, prescribed by the state, to be completed by the party~~. The short-form report must include:

1. The date, time, and location of the crash;

2. A description of the vehicles involved;

3. The names and addresses of the parties involved;

4. The names and addresses of witnesses;

5. The name, badge number, and law enforcement agency of the officer investigating the crash; and

6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash shall provide the law enforcement officer with proof of insurance to be included in the crash report. If a law enforcement officer submits a report on the accident, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information is guilty of an infraction for a nonmoving violation, punishable as provided in chapter 318 unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

(d) The driver of a vehicle that is in any manner involved in a crash resulting in damage to any vehicle or other property in an amount of at least $500 and the crash was not investigated by a law enforcement agency shall, within 10 days after the crash, forward a written report of the crash to the local law enforcement agency. The receiving law enforcement entity may require witnesses of crashes to render reports and any driver of a vehicle involved in a crash of which a written report must be made as provided in this section to file supplemental written reports whenever the original report is deemed insufficient by the receiving law enforcement agency.

(e) Short-form crash reports prepared by law enforcement officers or parties involved in the crash shall be maintained by the local law enforcement agency.

(2)~~(4)~~(a) One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.

(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the

crash. A driver who is required to file a crash report must be notified of the proper place to submit the completed report.

(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:

For a crash report ..... $10 per copy.
For a homicide report ..... $25 per copy.
For a uniform traffic citation ..... $0.50 per copy.

The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.

(3)~~(5)~~(a) Crash reports that reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency that is authorized to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

(d) As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver's license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt. In lieu of requiring the written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

(e) This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential and exempt information pursuant to this section.

(4)~~(6)~~(a) Any driver failing to file the written report required under paragraph (1)(d) ~~subsection (1) or subsection (2)~~ commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any employee of a state or local agency in possession of information made confidential and exempt by this section who knowingly discloses such confidential and exempt information to a person not entitled to access such information under this section commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)~~(7)~~ Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. ~~No~~ Such a report or statement may not ~~shall~~ be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and are ~~shall be~~ admissible into evidence in accordance with ~~the provisions of~~ s. 316.1934(2). Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

(6)~~(8)~~ A law enforcement officer, as defined in s. 943.10(1), may enforce this section.

Section 2. Subsection (3) of section 320.05, Florida Statutes, is amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(3)(a) The department may ~~is authorized~~, upon application of any person and payment of the proper fees, ~~to~~ prepare and furnish lists containing motor vehicle or vessel information in such form as the department may authorize, ~~to~~ search the records of the department and make reports thereof, and ~~to~~ make photographic copies of the department records and attestations thereof.

(b) Fees ~~therefor~~ shall be charged and collected as follows:

1. For providing lists of motor vehicle or vessel records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle or vessel documents, $1 per page.

3. For providing noncertified photographic copies of micrographic records, $1 per page.

4. For providing certified copies of motor vehicle or vessel records, $3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle or vessel records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle or vessel records, $3 per record.

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, $15 per list.

10. For providing lists of licensed motor vehicle dealers, $25 per list.

11. For each copy of a videotape record, $15 per tape.

12. For each copy of the Division of Motor Vehicles Procedures Manual, $25.

(c) Fees collected pursuant to paragraph (b) shall be deposited into the Highway Safety Operating Trust Fund.

(d) The department shall furnish such information without charge to any court or governmental entity.

(e) When motor vehicle, vessel, or mobile home registration data is provided by electronic access through a tax collector's office, the applicable fee as provided in paragraph (b) must be collected and deposited pursuant to

paragraph (c) ~~a fee for the electronic access is not required to be assessed~~. ~~However, at the tax collector's discretion, a fee equal to or less than the fee charged by the department for such information may be assessed by the tax collector for the electronic access. Notwithstanding paragraph (c), any funds collected by the tax collector as a result of providing such access shall be retained by the tax collector.~~

Section 3. Section 321.25, Florida Statutes, is amended to read:

321.25 Training provided at patrol schools.—The Department of Highway Safety and Motor Vehicles may ~~is authorized to~~ provide for the training of law enforcement officials and individuals in matters relating to the duties, functions, and powers of the Florida Highway Patrol in the schools established by the department for the training of highway patrol candidates and officers. The Department of Highway Safety and Motor Vehicles may ~~is authorized to~~ charge a fee for providing the training authorized by this section. The fee shall be charged to persons attending the training. The fee shall be based on the Department of Highway Safety and Motor Vehicles' recruiting costs and a portion of the costs for providing the training.~~,~~ The ~~and such~~ costs may include, but are not limited to, tuition, lodging, and meals. Revenues from the fees shall be used to offset the Department of Highway Safety and Motor Vehicles' costs for providing the training. The cost of training local enforcement officers shall be paid for by their respective offices, counties or municipalities, as the case may be. Such cost shall be deemed a proper county or municipal expense or a proper expenditure of the office of sheriff.

Section 4. Subsection (1) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.—

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature to complete the transition of all driver license issuance services to those tax collectors who are constitutional officers in this state no later than June 30, 2015. The transition of services to charter-appointed county tax collectors may occur on a limited basis as directed by the department ~~that future interests and processes for developing and expanding the department's relationship with tax collectors through contractual relationships for the delivery of driver license services be achieved through the provisions of this chapter, thereby serving best the public interest considering accountability, cost-effectiveness, efficiency, responsiveness, and high-quality service to the drivers in Florida~~.

Section 5. Section 322.135, Florida Statutes, is amended to read:

322.135 Driver's license agents.—

(1) The department shall ~~may~~, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A service fee of $6.25 shall be charged, in addition to the fees set forth in this chapter, for providing all services pursuant to this chapter. The service fee may not be charged:

1. More than once per customer during a single visit to a tax collector's office.

2. For a reexamination requested by the Medical Advisory Board or required pursuant to s. 322.221.

3. For a voter registration transaction.

~~4. For changes in an organ donation registration.~~

4.~~5.~~ In violation of any federal or state law.

(2) Each tax collector is required to give a good and sufficient surety bond, payable to the department, conditioned upon his or her faithfully and truly performing the duties imposed upon him or her according to the requirements of law and the rules of the department and upon his or her accounting for all materials, records, and other property and money that come into his or her possession or control by reason of performing these duties.

(a) The amount of the bond must be determined by the department as an amount not less than 10 percent above the average of the daily deposits of each tax collector.

(b) If a tax collector is also an agent of the department for purposes of s. 320.03, the amount of the bond must be at least 10 percent above the average of the total daily deposits of all funds received by the tax collector on behalf of the department.

(c) Notwithstanding the provisions of s. 320.03, only one bond is required in order for a tax collector to serve as an agent of the department under chapters 320 and 322.

(3) Each tax collector shall keep a full and complete record of all materials, records, and other properties received by him or her from the department, or from any other source, and shall make prompt remittance of moneys collected by him or her at such times and in such manner as prescribed by law, in accordance with departmental rules.

(4) A tax collector may not issue or renew a driver's license if he or she has any reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. The tax collector may direct any such licensee to the department for examination or reexamination under s. 322.221.

(5) The department, in conjunction with the Tax Collectors' Association, shall develop a plan to provide for the transition of all driver's license issuance services to the county tax collectors who are constitutional officers. The transition plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2011. The transition plan must include a timeline to complete the full transition of all driver's license issuance services no later than June 30, 2015, and may include, but need not be limited to, recommendations on the use of regional service centers, interlocal agreements, and equipment. ~~The county tax collector at his or her option may apply to the department for approval by the executive director to be the exclusive agent of the department for his or her county to administer driver license services as provided and authorized in this chapter.~~

~~(a) The application by the county tax collector shall be in writing to the executive director of the department. The application must be submitted by September 1 to be effective for the state's subsequent fiscal year beginning July 1.~~

~~(b) The department shall provide a form for such application, which shall include the following information:~~

~~1. Locations within the county where offices and branch offices for driver license services are proposed.~~

~~2. The designation by the tax collector of the driver license functions to be performed by the tax collector in the county.~~

~~3. Any anticipated capital acquisition or construction costs.~~

~~4. A projection of equipment available or to be provided by the department.~~

~~5. All anticipated operating costs, including facilities, equipment, and personnel to administer driver license services.~~

~~(c) The department shall review applications on or before September 1 of each year. The department shall compare the costs included in the information submitted in the application with the related costs incurred by the department to accomplish the same level of services. The department shall approve or deny an application within 60 calendar days after the application is received unless the department and the applicant agree mutually to a specific alternative date.~~

~~(d) The department may provide technical assistance to an applicant upon request.~~

~~(6) Administration of driver license services by a county tax collector as the exclusive agent of the department must be revenue neutral with no adverse state fiscal impact and with no adverse unfunded mandate to the tax collector.~~

~~(7) Upon approval by the department for a tax collector to provide exclusive driver license services in a county, the department and the applicable tax collector shall develop a transition plan for the orderly transfer of service responsibilities to the tax collector. This plan shall include, but is not limited to:~~

~~(a) The specifics of any possible use of any state-owned or leased facilities giving consideration to lease expiration date, cancellation provisions, and possibilities for sublease of such facilities.~~

~~(b) Consideration of staffing needs of the tax collector, either the assumption by the collector or departmental relocation of employees adversely affected.~~

~~(c) The execution of a standard agreement between the department and the tax collector for providing driver license services.~~

~~(8) The county tax collector, as the exclusive agent of the Department of Highway Safety and Motor Vehicles, shall be paid fees for driver license services.~~

(6)~~(9)~~ Notwithstanding chapter 116, each county officer within this state who is authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfers.

Section 6. Subsections (10) and (11) of section 322.20, Florida Statutes, are amended to read:

322.20 Records of the department; fees; destruction of records.—

(10) The Division of Driver Licenses may ~~is authorized~~, upon application of any person and payment of the proper fees, ~~to~~ search and ~~to~~ assist such person in the search of the records of the department and make reports thereof and ~~to~~ make photographic copies of the departmental records and attestations thereof.

(11)(a) The department may charge the following fees for the following services and documents:

1. For providing a transcript of any one individual's driver history record or any portion thereof for the past 3 years ~~or for searching for such record when no record is found on file~~ $8

2. For providing a transcript of any one individual's driver history record or any portion thereof for the past 7 years ~~or for searching for such record when no record is found on file~~ $10

3. For providing a certified copy of a transcript of the driver history record or any portion thereof for any one individual $10

4. For providing a certified photographic copy of a document, per page $1

5. For providing an exemplified record $15

6. For providing photocopies of documents, papers, letters, clearances, or license or insurance status reports, per page $0.50

7. For assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee $2

8. For searching for any one individual's driver history record when no record is found on file $1

9. For electronically searching for any one individual's driver history record to determine if the record meets requested criteria $0.10

(b) The department shall furnish such information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the department as to the purpose of the investigation.

(c) Any tax collectors authorized under s. 322.135, and any county clerk of court, may provide 3-year, 7-year, or complete driver records to any person requesting such records upon appropriate payment. In addition, any clerk of court and tax collector may assess the fee listed in s. 322.135(1)(c) for this service. The applicable record fees listed in paragraph (a) must be remitted to the department no later than 5 days after payment is received unless a shorter remittance period is required by law.

Section 7. Subsection (2) of section 322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.—

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the driver's license; an affidavit stating the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the officer's description of the person's field sobriety test, if any; the notice of suspension; and a copy of the crash report, if any. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of a videotape of the field sobriety test or the attempt to administer such test. Materials submitted to the department by a law enforcement agency or correctional agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. 316.066(5) ~~s. 316.066(7)~~, the crash report shall be considered by the hearing officer.

Section 8. Paragraph (a) of subsection (1) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)(a) Every law enforcement officer who, in the regular course of duty either at the time of and at the scene of the crash or thereafter by interviewing participants or witnesses, investigates a motor vehicle crash which he or she is required to report pursuant to s. 316.066(1) ~~s. 316.066(3)~~ shall forward a written report of the crash to the department within 10 days of completing the investigation. However, when the investigation of a crash will take more than 10 days to complete, a preliminary copy of the crash report shall be forwarded to the department within 10 days of the occurrence of the crash, to be followed by a final report within 10 days after completion of the investigation. The report shall be on a form and contain information consistent with the requirements of s. 316.068.

Section 9. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066(4)~~(6)~~(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.

893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

Section 10. This act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to highway safety; amending s. 316.066, F.S.; removing provisions requiring the driver of a vehicle that is involved in a crash resulting in bodily injury to or the death of any person or damage to any vehicle or other property to forward a written report of the crash to the Department of Highway Safety and Motor Vehicles within a specified time; requiring every law enforcement officer who investigates a motor vehicle crash to complete and submit to the department a Florida Traffic Crash Report, Long Form, within a specified time under certain circumstances; providing that in cases in which a Florida Traffic Crash Report, Long Form, is not required, the law enforcement officer may complete a short-form crash report or provide a short-form crash report to be completed by each party involved in the crash; requiring the driver of a vehicle that is involved in a crash that results in damage to any vehicle or other property in an amount of at least $500 and that is not investigated by a law enforcement agency to forward a written report of the crash to the local law enforcement agency within a specified time; requiring the local law enforcement agency to maintain the short-form crash reports prepared by law enforcement officers or parties involved in the crash; amending s. 320.05, F.S.; requiring that certain fees be imposed for electronic access to registration data provided through the tax collector's office; requiring that the fees be deposited into the Highway Safety Operating Trust Fund in the Department of Highway Safety and Motor Vehicles; amending s. 321.25, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to charge a fee to persons attending certain training events; amending s. 322.02, F.S.; revising legislative intent relating to the transition of all driver's license services from the department to the county tax collectors by a specified date; amending s. 322.135, F.S.; requiring the department to authorize any or all tax collectors in the state to serve as agents for the department by providing certain specified driver's license services; requiring the department, in conjunction with the Tax Collectors' Association, to develop a plan to provide for the transition of all driver's license issuance services to the county tax collectors who are constitutional officers; requiring that the plan be submitted to the President of the Senate and the Speaker of the House of Representatives by a specified date; removing obsolete provisions relating to the issuance of driver's licenses by the county tax collector; amending s. 322.20, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to charge a fee for searching for an individual's driver history record that is not on file or that meets requested criteria; authorizing the county clerks of court and certain tax collectors to provide driver records to any person requesting such records and to assess a fee for such service; amending ss. 322.2615, 324.051, and 921.0022, F.S.; conforming cross-references; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 5503, with 1 amendment. Having refused to pass CS for HB 5503 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

CS/HB 5503—A bill to be entitled An act relating to transportation revenue; amending s. 215.211, F.S.; removing provisions that eliminate imposition of a specified service charge on specified income of a revenue nature; reenacting s. 215.20(1), F.S., relating to a service charge appropriated from income of a revenue nature deposited in trust funds to provide for imposition of the service charge pursuant to changes made by the act to s. 215.211, F.S.; amending s. 320.072, F.S.; revising the disposition of proceeds collected on the initial application for registration of specified motor vehicles; amending s. 339.135, F.S.; providing for effect of revised funding levels on department projects; providing an effective date.

(Amendment Bar Code: 155074)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5505, with 1 amendment. Having refused to pass HB 5505 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5505—A bill to be entitled An act relating to the supplemental corporate fee; amending s. 607.0122, F.S.; specifying that a reinstatement application fee includes a certain late charge; amending s. 607.193, F.S.; deleting an exception for liability for a late charge; amending s. 607.1422, F.S.; requiring inclusion of a reinstatement application fee under fees owed by a corporation seeking reinstatement after administrative dissolution; providing an effective date.

(Amendment Bar Code: 203444)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. Section 607.193, Florida Statutes, is amended to read:

607.193 Supplemental corporate fee.—

(1) In addition to any other taxes imposed by law, an annual supplemental corporate fee of $88.75 is imposed on each business entity that is authorized to

transact business in this state and is required to file an annual report with the Department of State under s. 607.1622, s. 608.4511, or s. 620.1210.

(2)(a) The business entity shall remit the supplemental corporate fee to the Department of State at the time it files the annual report required by s. 607.1622, s. 608.4511, or s. 620.1210.

(b) In addition to the fees levied under ss. 607.0122, 608.452, and 620.1109 and the supplemental corporate fee, a late charge of $400 shall be imposed if the supplemental corporate fee is remitted after May 1 ~~except in circumstances in which a business entity did not receive the uniform business report prescribed by the department~~.

(3) The Department of State shall adopt rules and prescribe forms necessary to carry out the purposes of this section.

Section 2. This act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to supplemental corporate fees; amending s. 607.193, F.S.; deleting an exception from the application of a late charge for a business entity that does not receive the uniform business report prescribed by the Department of State; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5601, with 1 amendment. Having refused to pass HB 5601 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5601—A bill to be entitled An act relating to Department of Revenue maps and photographs; amending s. 195.022, F.S.; revising requirements for the department to prescribe and furnish certain photographs and maps to property appraisers; requiring that all aerial photographs and nonproperty ownership maps furnished by the department to a property appraiser be at the property appraiser's expense; providing an effective date.

(Amendment Bar Code: 945218)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5603, with 1 amendment. Having refused to pass HB 5603 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5603—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.04, F.S.; authorizing the Division of Insurance Fraud and the Office of Fiscal Integrity to conduct certain enforcement investigations; amending s. 20.121, F.S.; transferring the Office of Fiscal Integrity of the Division of Accounting and Auditing of the Department of Financial Services to the department's Division of Insurance Fraud; amending ss. 284.01 and 284.36, F.S.; revising criteria for premiums charged to agencies and departments for purposes of the State Risk Management Trust Fund; amending s. 284.42, F.S.; revising reporting requirements on the state insurance program; requiring the Division of Risk Management to analyze and report on certain agency return-to-work programs and activities; amending s. 284.50, F.S.; requiring certain agencies to establish and maintain return-to-work programs for certain employees; providing program goals; providing construction; requiring the Division of Risk Management to evaluate agency risk management programs; requiring reports; requiring agencies to respond to the division's evaluation and recommendations; requiring the division to submit the evaluation report to the legislative appropriations committees; amending s. 440.50, F.S.; providing for reversion of certain unencumbered and undisbursed funds to the Workers' Compensation Administration Trust Fund; providing an effective date.

(Amendment Bar Code: 192930)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5605, with 1 amendment. Having refused to pass HB 5605 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5605—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.205, F.S.; requiring the commission to be comprised of a chair and two part-time members; requiring the chair of the commission to devote full time to commission duties and not engage in any other business, vocation, or employment while in such office; prohibiting the part-time members from engaging in any business, vocation, or employment that conflicts with their duties while in such office; providing an effective date.

(Amendment Bar Code: 608214)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5607, with 1 amendment. Having refused to pass HB 5607 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5607—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2010, and July 1, 2011; deleting a provision providing for recognition and usage of current available excess assets of the Florida Retirement System Trust Fund to offset employer contribution rates for the Florida Retirement System; requiring the state actuary to consider additional factors when conducting the annual actuarial study of the Florida Retirement System; specifying the factors to be considered; providing a declaration of important state interest; providing an effective date.

(Amendment Bar Code: 577306)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (3) of section 121.011, Florida Statutes, is amended, and paragraph (h) is added to that subsection, to read:

121.011 Florida Retirement System.—

(3) PRESERVATION OF RIGHTS.—

(d) ~~The rights of members of the retirement system established by this chapter shall not be impaired by virtue of the conversion of the Florida Retirement System to an employee noncontributory system.~~ As of July 1, 1974, the rights of members of the retirement system established by this chapter are declared to be of a contractual nature, entered into between the member and the state, and such rights shall be legally enforceable as valid contract rights and shall not be abridged in any way.

(h) Effective January 1, 2011, this system shall require employee and employer contributions as provided in s. 121.071 and part III of this chapter. As of January 1, 2011, the rights of members of the retirement system established by this chapter are declared to be of a contractual nature, entered into between the member and the state, and such rights shall be legally enforceable as valid contract rights and shall not be abridged in any way.

Section 2. Paragraph (a) of subsection (19) and subsections (39), (55), and (59) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(19) "Prior service" under this chapter means:

(a) Service for which the member had credit under one of the existing systems and received a refund of his or her contributions upon termination of employment. Prior service shall also include that service ~~between December 1, 1970, and the date the system becomes noncontributory~~ for which the member had credit under the Florida Retirement System and received a refund of his or her contributions upon termination of employment.

(39)(a) "Termination" occurs, except as provided in paragraph (b), when a member ceases all employment relationships with an employer, however:

1. For retirements effective before July 1, 2010, if a member is employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

2. For retirements effective on or after July 1, 2010, if a member is employed by any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

(b) "Termination" for a member electing to participate in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with an employer in accordance with s. 121.091(13), however:

1. For termination dates occurring before July 1, 2010, if the participant is employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b) 4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if the participant becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

(c) Effective January 1, 2011, "termination" for a member receiving a refund of employee contributions occurs when a member ceases all employment relationships with an employer for 3 calendar months.

(55) "Benefit" means any pension payment, lump-sum or periodic, to a member, retiree, or beneficiary, based ~~partially or entirely~~ on employer contributions and employee contributions, if applicable.

(59) "Payee" means a retiree or beneficiary of a retiree who has received or is receiving a retirement benefit payment.

Section 3. Paragraphs (b) and (d) of subsection (2) and subsection (3) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(b)1. The governing body of any municipality, metropolitan planning organization, or special district in the state may elect to participate in the system upon proper application to the administrator and may cover all or any of its units as approved by the Secretary of Health and Human Services and the administrator. The department shall adopt rules establishing provisions for the submission of documents necessary for such application. Prior to being approved for participation in the Florida Retirement System, the governing body of any such municipality, metropolitan planning organization, or special district that has a local retirement system shall submit to the administrator a certified financial statement showing the condition of the local retirement system as of a date within 3 months prior to the proposed effective date of membership in the Florida Retirement System. The statement must be certified by a recognized accounting firm that is independent of the local retirement system. All required documents necessary for extending Florida Retirement System coverage must be received by the department for consideration at least 15 days prior to the proposed effective date of coverage. If the municipality, metropolitan planning organization, or special district does not comply with this requirement, the department may require that the effective date of coverage be changed.

2. Any city, metropolitan planning organization, or special district that has an existing retirement system covering the employees in the units that are to be brought under the Florida Retirement System may participate only after holding a referendum in which all employees in the affected units have the right to participate. Only those employees electing coverage under the Florida Retirement System by affirmative vote in said referendum shall be eligible for coverage under this chapter, and those not participating or electing not to be covered by the Florida Retirement System shall remain in their present systems and shall not be eligible for coverage under this chapter. After the referendum is held, all future employees shall be compulsory members of the Florida Retirement System.

3. At the time of joining the Florida Retirement System, the governing body of any city, metropolitan planning organization, or special district complying with subparagraph 1. may elect to provide, or not provide, benefits based on past service of officers and employees as described in s. 121.081(1). However, if such employer elects to provide past service benefits, such benefits must be provided for all officers and employees of its covered group.

4. Once this election is made and approved it may not be revoked, except pursuant to subparagraphs 5. and 6., and all present officers and employees electing coverage under this chapter and all future officers and employees shall be compulsory members of the Florida Retirement System.

5. Subject to the conditions set forth in subparagraph 6., the governing body of any hospital licensed under chapter 395 which is governed by the board of a special district as defined in s. 189.403(1) or by the board of trustees of a public health trust created under s. 154.07, hereinafter referred to as "hospital district," and which participates in the system, may elect to cease participation in the system with regard to future employees in accordance with the following procedure:

a. No more than 30 days and at least 7 days before adopting a resolution to partially withdraw from the Florida Retirement System and establish an alternative retirement plan for future employees, a public hearing must be held on the proposed withdrawal and proposed alternative plan.

b. From 7 to 15 days before such hearing, notice of intent to withdraw, specifying the time and place of the hearing, must be provided in writing to employees of the hospital district proposing partial withdrawal and must be published in a newspaper of general circulation in the area affected, as provided by ss. 50.011-50.031. Proof of publication of such notice shall be submitted to the Department of Management Services.

c. The governing body of any hospital district seeking to partially withdraw from the system must, before such hearing, have an actuarial report prepared and certified by an enrolled actuary, as defined in s. 112.625(3),

illustrating the cost to the hospital district of providing, through the retirement plan that the hospital district is to adopt, benefits for new employees comparable to those provided under the Florida Retirement System.

d. Upon meeting all applicable requirements of this subparagraph, and subject to the conditions set forth in subparagraph 6., partial withdrawal from the system and adoption of the alternative retirement plan may be accomplished by resolution duly adopted by the hospital district board. The hospital district board must provide written notice of such withdrawal to the division by mailing a copy of the resolution to the division, postmarked no later than December 15, 1995. The withdrawal shall take effect January 1, 1996.

6. Following the adoption of a resolution under sub-subparagraph 5.d., all employees of the withdrawing hospital district who were participants in the Florida Retirement System prior to January 1, 1996, shall remain as participants in the system for as long as they are employees of the hospital district, and all rights, duties, and obligations between the hospital district, the system, and the employees shall remain in full force and effect. Any employee who is hired or appointed on or after January 1, 1996, may not participate in the Florida Retirement System, and the withdrawing hospital district shall have no obligation to the system with respect to such employees.

(d) The governing body of a charter school or a charter technical career center may elect to participate in the system upon proper application to the administrator and shall cover its units as approved by the Secretary of Health and Human Services and the administrator. At the time of joining the Florida Retirement System, the governing body of the charter school may elect to provide, or not provide, benefits based on past service of officers and employees as described in s. 121.081(1). Once this election is made and approved, it may not be revoked, and all present officers and employees selecting coverage under this chapter and all future officers and employees shall be compulsory members of the Florida Retirement System.

(3) SOCIAL SECURITY COVERAGE.—Social security coverage shall be provided for all officers and employees who become members under the provisions of subsection (1) or subsection (2). Any modification of the present agreement with the Social Security Administration, or referendum required under the Social Security Act, for the purpose of providing social security coverage for any member shall be requested by the state agency in compliance with the applicable provisions of the Social Security Act governing such coverage. However, retroactive social security coverage for service prior to December 1, 1970, with the employer shall not be provided for any member who was not covered under the agreement as of November 30, 1970. The employer-paid employee contributions specified in s. 121.71(2) are subject to taxes imposed under the Federal Insurance Contributions Act, 26 U.S.C. ss. 3101-3128.

Section 4. Paragraph (b) of subsection (5) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(5) CREDIT FOR PAST SERVICE.—A special risk member may purchase retirement credit in the Special Risk Class based upon past service, and may upgrade retirement credit for such past service, to the extent of 2 percent of the member's average monthly compensation as specified in s. 121.091(1)(a) for such service as follows:

(b) Contributions for upgrading the additional special risk credit pursuant to this subsection shall be equal to the difference in the employer and, if applicable, employee contributions paid and the special risk percentage rate of gross salary in effect at the time of purchase for the period being claimed, plus interest thereon at the rate of 4 percent a year compounded annually from the date of such service until July 1, 1975, and 6.5 percent a year thereafter until the date of payment. This past service may be purchased by the member or by the employer on behalf of the member.

Section 5. Paragraphs (a) and (d) of subsection (4) and paragraph (b) of subsection (7) of section 121.052, Florida Statutes, are amended, present paragraph (c) of subsection (7) of that section is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

121.052 Membership class of elected officers.—

(4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

(a) Any duly elected officer whose term of office was shortened by legislative or judicial apportionment pursuant to the provisions of s. 16, Art. III of the State Constitution may, after the term of office to which he or she was elected is completed, pay into the System Trust Fund the amount of contributions that would have been made by the officer or the officer's employer on his or her behalf, plus 4 percent interest compounded annually from the date he or she left office until July 1, 1975, and 6.5 percent interest compounded annually thereafter, and may receive service credit for the length of time the officer would have served if such term had not been shortened by apportionment.

(d)1. Any justice or judge, or any retired justice or judge who retired before July 1, 1993, who has attained the age of 70 years and who is prevented under s. 8, Art. V of the State Constitution from completing his or her term of office because of age may elect to purchase credit for all or a portion of the months he or she would have served during the remainder of the term of office, but he or she may claim those months only after the date the service would have occurred. The justice or judge must pay into the System Trust Fund the amount of contributions that would have been made by the employer on his or her behalf for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he or she left office, in order to receive service credit in this class for the period of time being claimed. After the date the service would have occurred, and upon payment of the required contributions, the retirement benefit of a retired justice or judge will be adjusted prospectively to include this additional creditable service; however, such adjustment may be made only once.

2. Any justice or judge who does not seek election to a subsequent term of office because he or she would be prevented under s. 8, Art. V of the State Constitution from completing such term of office upon attaining the age of 70 years may elect to purchase service credit for service as a temporary judge as assigned by the court if the temporary assignment follows immediately the last full term of office served and the purchase is limited to the number of months of service needed to vest retirement benefits. To receive retirement credit for such temporary service beyond termination, the justice or judge must pay into the System Trust Fund the amount of contributions that would have been made by the justice or judge and the employer on his or her behalf had he or she continued in office for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he or she left office.

(7) CONTRIBUTIONS.—

(b) The employer paying the salary of a member of the Elected Officers' Class shall contribute an amount as specified in this subsection or s. 121.71, as appropriate, which shall constitute the ~~entire~~ employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. Effective January 1, 2011, each member of the Elected Officers' Class shall pay retirement contributions as specified in s. 121.71.

(c) If a member of the Elected Officer' Class ceases to fill an office covered by this class for 3 calendar months for any reason other than retirement, the member shall be entitled to a full refund of the contributions he or she has made prior or subsequent to participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter. The refund shall not include any interest earnings on the contributions for a participant of the defined benefit program. Employer contributions made on behalf of the member are not refundable. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System, including the health insurance subsidy, to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

Section 6. Paragraph (a) of subsection (7) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(7) A member who is elected or appointed to an elective office and who is participating in the Deferred Retirement Option Program is not subject to termination as defined in s. 121.021, or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible

for coverage under the Florida Retirement System, until he or she no longer holds an elective office, as follows:

(a) At the end of the 60-month DROP period:

1. The officer's DROP account may not accrue additional monthly benefits, but does continue to earn interest as provided in s. 121.091(13). However, an officer whose DROP participation begins on or after July 1, 2010, may not continue to earn such interest.

2. Retirement contributions are not required of the officer or the employer of the elected officer and additional retirement credit may not be earned under the Florida Retirement System.

Section 7. Paragraph (j) of subsection (1), paragraph (b) of subsection (3), and paragraphs (d) and (e) of subsection (6) of section 121.055, Florida Statutes, are amended, present paragraph (c) of subsection (3) of that section is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the employer and, if applicable, employee contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(3)

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section or s. 121.71, as appropriate, which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. Effective January 1, 2011, each employee shall pay retirement contributions as specified in s. 121.71.

(c) Upon termination of employment for 3 calendar months for any reason other than retirement, a member shall be entitled to a full refund of the contributions he or she has made prior or subsequent to participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter. The refund shall not include any interest earnings on the contributions for a participant of the defined benefit program. Employer contributions made on behalf of the member are not refundable. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System, including the health insurance subsidy, to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

(6)

(d) *Contributions.*—

1.a. Through June 30, 2001, each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a Senior Management Service Class member of the Florida Retirement System defined benefit program, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. For the period ~~Effective~~ July 1, 2001, through December 31, 2010, each employer shall contribute on behalf of each participant in the optional program an amount equal to 12.49 percent of the participant's gross monthly compensation.

b. Effective January 1, 2011, each member participating in the Senior Management Service Optional Annuity Program shall contribute an amount equal to the employee contribution required in s. 121.71(3). Effective January 1, 2011, each employer shall contribute on behalf of each participant in the optional program an amount equal to the difference between 12.49 percent of the participant's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

The department shall deduct an amount approved by the Legislature to provide for the administration of this program. The payment of the contributions to the optional program which is required by this subparagraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

2. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program participants, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each participant in the Senior Management Service retirement program and shall be in addition to the retirement contributions specified in this paragraph.

5. Each participant in the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the participant's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

(e) *Benefits.*—

1. Benefits under the Senior Management Service Optional Annuity Program are payable only to participants in the program, or their beneficiaries as designated by the participant in the contract with the provider company, and must be paid by the designated company in accordance with the terms of the annuity contract applicable to the participant. A participant must be terminated from all employment relationships with Florida Retirement System employers as provided in s. 121.021(39) to begin receiving the employer-funded benefit. Benefits funded by employer contributions are payable under the terms of the contract to the participant, his or her beneficiary, or his or her estate, in addition to:

a. A lump-sum payment to the beneficiary upon the death of the participant;

b. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation. Such cash-out must be a complete liquidation of the account balance with that company and is subject to the Internal Revenue Code;

c. A mandatory distribution of a de minimis account of a former participant who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation as authorized by the department; or

d. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant.

2. Benefits are not payable under the Senior Management Service Optional Annuity Program prior to termination of employment for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses,

purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or for any other reason.

3.~~2.~~ The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, are not subject to assignment, execution, or attachment or to any legal process whatsoever.

4.~~3.~~ Except as provided in subparagraph 5. ~~4.~~, a participant who terminates employment and receives a distribution, including a rollover or trustee-to-trustee transfer, funded by employer contributions shall be deemed to be retired from a state-administered retirement system if the participant is subsequently employed with an employer that participates in the Florida Retirement System.

5.~~4.~~ A participant who receives optional annuity program benefits funded by employer contributions as a mandatory distribution of a de minimis account authorized by the department is not considered a retiree.

As used in this paragraph, a "de minimis account" means an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under this chapter.

Section 8. Subsections (2) and (5) and paragraph (c) of subsection (6) of section 121.071, Florida Statutes, are amended, present paragraph (d) of subsection (6) of that section is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2)(a) Effective January 1, 1975, or October 1, 1975, as applicable, and through December 31, 2010, each employer shall accomplish the contribution required by subsection (1) by a procedure in which no employee's gross salary shall be reduced. Effective January 1, 2011, each employee and employer shall pay retirement contributions as specified in s. 121.71.

(b) Upon termination of employment for 3 calendar months for any reason other than retirement, a member shall be entitled to a full refund of the contributions he or she has made prior or subsequent to participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter. The refund shall not include any interest earnings on the contributions for a participant of the defined benefit program. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if an approved qualified domestic relations order is filed against his or her retirement account.

(5) Contributions made in accordance with subsections (1), (2), (3), and (4), and s. 121.71 shall be paid ~~by the employer~~ into the system trust funds in accordance with rules adopted by the administrator pursuant to chapter 120, except as may be otherwise specified herein. Effective July 1, 2002, contributions paid under subsections (1) and (4) and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended.

(6)

(c) By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System, including the health insurance subsidy, to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

(d) If a member or former member of the defined benefit program receives an invalid refund from the Florida Retirement System Trust Fund, such person must repay the full amount of the invalid refund, plus interest at 6.5 percent compounded annually on each June 30 from the date of refund until full payment is made to the trust fund.

Section 9. Paragraphs (b) and (c) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a municipality, metropolitan planning organization, charter school, charter technical career center, or special district who become a covered group under this system. The governing body of a covered group may elect to provide benefits for past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service is established by applying the following formula: The employer shall contribute an amount equal to the employer contribution rate in effect at the time the service was earned, and, if applicable, the employee contribution rate, multiplied by the employee's gross salary for each year of past service claimed, plus 6.5-percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(c) Should the employer not elect to provide past service on the date of joining the Florida Retirement System for the member, ~~then~~ the member may claim and pay for the service as provided in ~~same, based on~~ paragraphs (a) and (b).

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 1 complete year of creditable service ~~within a period of 12 consecutive months~~, except as provided in paragraph (c). Service performed as a participant of the optional retirement program for the State University System under s. 121.35 or the Senior Management Service Optional Annuity Program under s. 121.055 may be used to satisfy the reemployment requirement of 1 complete year of creditable service. The member shall not be permitted to make any contributions for prior service until after completion of the 1 year of creditable service. If a member does not wish to claim credit for all of his or her prior service, the service the member claims must be the most recent period of service. The required contributions for claiming the various types of prior service are:

(a) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus 4-percent interest compounded annually from date of refund until July 1, 1975, and 6.5-percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund, and shall receive credit in the Regular Class. A member who elected to transfer to the Florida Retirement System from an existing system may receive credit for prior service under the existing system if he or she was eligible under the existing system to claim the prior service at the time of the transfer. Contributions for such prior service shall be determined by the applicable provisions of the system under which the prior service is claimed and shall be paid by the member, with matching contributions paid by the employer at the time the service was performed. Effective July 1, 1978, the account of a person who terminated under s. 238.05(3) may not be charged interest for contributions that remained on deposit in the Annuity Savings Trust Fund established under chapter 238, upon retirement under this chapter or chapter 238.

(b) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him or her during the period of service being claimed, on all salary received during such period, plus 4-percent interest compounded annually from date of refund until July 1, 1975, and 6.5-percent interest compounded annually thereafter, until the full payment is made to the Retirement Trust Fund, and shall receive credit in the membership class in which the member participated during the period claimed.

(c) For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute 14.38 percent of all salary received during such period or 14.38 percent of $100 per month during such period, whichever is greater, plus 4-percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5-percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund, and shall receive credit in the Regular Class.

(d) In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus 4-

percent interest compounded annually from the first year of service until July 1, 1975, and 6.5-percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity which employed such member may elect to pay up to 50 percent of the contributions and interest required to purchase this prior service credit. The service shall be credited in accordance with the provisions of the Highway Patrol Pension Plan in effect during the period claimed unless the member terminated and withdrew his or her retirement contributions and was thereafter enrolled in the State and County Officers and Employees' Retirement System or the Florida Retirement System, in which case the service shall be credited as Regular Class service.

(e) For service performed under the Florida Retirement System after December 1, 1970, that was never reported to the division or the department due to error, retirement credit may be claimed by a member of the Florida Retirement System. The department shall adopt rules establishing criteria for claiming such credit and detailing the documentation required to substantiate the error.

(f) For prior service performed on or after January 1, 2011, for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment for 3 calendar months, the member shall contribute at the rate that was required of him or her during the period of service being claimed, plus 6.5 percent interest, compounded annually on each June 30 from date of refund until the full payment is made to the Florida Retirement System Trust Fund, and shall receive credit in the membership class in which the member participated during the period claimed.

(g)~~(f)~~ The employer may not ~~be required to~~ make contributions for prior service credit for any member, except that the employer shall pay the employer portion of contributions for any legislator who elects to withdraw from the Florida Retirement System and later rejoins the system and pays any employee contributions required in accordance with s. 121.052(3)(d).

Section 10. Paragraphs (a) and (c) of subsection (5) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(5) TERMINATION BENEFITS.—A member whose employment is terminated prior to retirement retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit, if the member leaves the member contributions on deposit in his or her retirement account. If a terminated member receives a refund of member contributions, such member may reinstate membership rights to the previously earned service credit represented by the refund by completing 1 year of creditable service and repaying the refunded member contributions, plus interest.

(a) A member whose employment is terminated for any reason other than death or retirement prior to becoming vested is entitled to the return of his or her accumulated contributions as of the date of termination. Effective January 1, 2011, a member is eligible for the return of his or her employee contributions after being terminated for 3 calendar months.

(c) In lieu of the deferred monthly benefit provided in paragraph (b), the terminated member may elect to receive a lump-sum amount equal to his or her accumulated contributions as of the date of termination. Effective January 1, 2011, a member is eligible for the return of his or her employee contributions after being terminated for 3 calendar months.

Section 11. Subsection (1) of section 121.121, Florida Statutes, is amended to read:

121.121 Authorized leaves of absence.—

(1) A member may purchase creditable service for up to 2 work years of authorized leaves of absence, including any leaves of absence covered under the Family Medical Leave Act, if:

(a) The member has completed a minimum of 6 years of creditable service, excluding periods for which a leave of absence was authorized;

(b) The leave of absence is authorized in writing by the employer of the member and approved by the administrator;

(c) The member returns to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remains on the employer's payroll for 1 calendar month, except that a member who retires on disability while on a medical leave of absence shall not be required to return to employment. A member whose work year is less than 12 months and whose leave of absence terminates between school years is eligible to receive credit for the leave of absence as long as he or she returns to the employment of his or her employer at the beginning of the next school year and remains on the employer's payroll for 1 calendar month; and

(d) The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his or her rate of monthly compensation in effect immediately prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment. Effective July 1, 1980, any leave of absence purchased pursuant to this section shall be at the contribution rates specified in s. 121.071 or s. 121.71 in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit prior to July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence. Effective January 1, 2011, any leave of absence purchased pursuant to this section shall be at the employee and employer contribution rates specified in s. 121.71 in effect during the leave for the class of membership from which the leave of absence was granted.

Section 12. Section 121.125, Florida Statutes, is amended to read:

121.125 Credit for workers' compensation payment periods.—A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall, upon return to active employment with a covered employer for 1 calendar month or upon approval for disability retirement in accordance with s. 121.091(4), receive full retirement credit for the period prior to such return to active employment or disability retirement for which the workers' compensation payments were received. However, no member may receive retirement credit for any such period occurring after the earlier of the date of maximum medical improvement as defined in s. 440.02 or the date termination has occurred as defined in s. 121.021(39). The employer of record at the time of the worker's compensation injury or illness shall make the required employee and employer retirement contributions based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments for retirement credit received by the member. The employer of record at the time of the worker's compensation injury or illness shall be assessed by the division a penalty of 1 percent of the contributions on all contributions not paid on the first payroll report after the member becomes eligible to receive credit. This delinquent assessment may not be waived.

Section 13. Subsections (4) and (5) of section 121.35, Florida Statutes, are amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a)1. Through June 30, 2001, each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System defined benefit program, plus the portion of the contribution rate

required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. For the period ~~Effective~~ July 1, 2001, through December 31, 2010, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation.

2. Effective January 1, 2011, each member participating in the State University System Optional Retirement Program shall contribute an amount equal to the employee contribution required in s. 121.71(3). Effective January 1, 2011, each employer shall contribute on behalf of each participant in the optional program an amount equal to the difference between 10.43 percent of the participant's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

The department shall deduct an amount approved by the Legislature to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed a contract and notified the department.

(b) Each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

(c) An Optional Retirement Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to the provider companies on behalf of the optional retirement program participants, and to transfer the unfunded liability portion of the state optional retirement program contributions to the Florida Retirement System Trust Fund.

(d) Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act, shall be maintained for each participant in the optional retirement program and shall be in addition to the retirement contributions specified in this subsection.

~~(e) Each participant in the optional retirement program who has executed a contract may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional program, but in no case may such contribution exceed federal limitations. Payment of the participant's contributions shall be made by the financial officer of the employer to the division which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. A participant may not make, through salary reduction, any voluntary employee contributions to any other plan under s. 403(b) of the Internal Revenue Code, with the exception of a custodial account under s. 403(b)(7) of the Internal Revenue Code, until he or she has made an employee contribution to his or her optional program equal to the employer contribution. A participant is responsible for monitoring his or her individual tax-deferred income to ensure he or she does not exceed the maximum deferral amounts permitted under the Internal Revenue Code.~~

~~(f) The Optional Retirement Trust Fund may accept for deposit into participant contracts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of participants who are reasonably determined by the department to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code, if such contributions are made in accordance with rules adopted by the department. Such contributions shall be accounted for in accordance with any applicable requirements of the Internal Revenue Code and rules of the department.~~

(e)~~(g)~~ Effective July 1, 2008, for purposes of paragraph (a) and notwithstanding s. 121.021(22)(b)1., the term "participant's gross monthly compensation" includes salary payments made to eligible clinical faculty from a state university using funds provided by a faculty practice plan authorized by the Board of Governors of the State University System if:

1. There is not any employer contribution from the state university to any other retirement program with respect to such salary payments; and

2. The employer contribution on behalf of the participant in the optional retirement program with respect to such salary payments is made using funds provided by the faculty practice plan.

(5) BENEFITS.—

(a) Benefits are payable under the optional retirement program only to vested participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid only by the designated company in accordance with s. 403(b) of the Internal Revenue Code and the terms of the annuity contract or contracts applicable to the participant. Benefits accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and the earnings thereon. The participant must be terminated from all employment relationships with all Florida Retirement System employers, as provided in s. 121.021(39), to begin receiving the employer-funded benefit. Benefits funded by employer contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be paid only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable department rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (d) ~~(c)~~. No other death benefits are available to survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(b) Benefits are not payable under the optional retirement program prior to termination of employment for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or for any other reason

(c)~~(b)~~ Upon receipt by the provider company of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant, as:

1. A lump-sum distribution to the participant;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant;

3. Periodic distributions;

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the participant and the remaining amount is transferred to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or

5. Such other distribution options as are provided for in the participant's optional retirement program contract.

(d)~~(c)~~ Survivor benefits shall be payable as:

1. A lump-sum distribution payable to the beneficiaries or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse;

3. Such other distribution options as are provided for in the participant's optional retirement program contract; or

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, if any, and the remaining amount is transferred directly to an eligible

retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing payment of death benefits.

(e)~~(d)~~ The benefits payable to any person under the optional retirement program, and any contribution accumulated under such program, shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

(f)~~(e)~~ A participant who chooses to receive his or her benefits upon termination as defined in s. 121.021 must notify the provider company of the date he or she wishes benefits funded by employer contributions to begin. Benefits may be deferred until the participant chooses to make such application.

(g)~~(f)~~ Benefits funded by the participant's personal contributions may be paid out at any time and in any form within the limits provided in the contract between the participant and his or her provider company. The participant shall notify the provider company regarding the date and provisions under which he or she wants to receive the employee-funded portion of the plan.

(h)~~(g)~~ For purposes of this section, "retiree" means a former participant of the optional retirement program who has terminated employment and has taken a distribution as provided in this subsection, except for a mandatory distribution of a de minimis account authorized by the department.

Section 14. Subsection (1), paragraph (j) of subsection (2), paragraph (c) of subsection (3), subsections (4), (5), (6), (7), paragraph (b) of subsection (8), subsection (11), paragraph (c) of subsection (13), and paragraph (b) of subsection (21) of section 121.4501, Florida Statutes, are amended, and paragraph (n) is added to subsection (2) of that section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. Participants and ~~The~~ employers shall contribute, as provided in this section, ss. 121.571, and 121.71 to the Public Employee Optional Retirement Program Trust Fund toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this part, the term:

(j) "Retiree" means a former participant of the Florida Retirement System Public Employee Optional Retirement Program who has terminated employment and has taken any ~~a~~ distribution of vested participant or employer contributions as provided in s. 121.591, except for a mandatory distribution of a de minimis account authorized by the state board.

(n) "Participant contributions" mean the sum of all amounts deducted from the salary of a participant by his or her employer in accordance with s. 121.71(2) and credited to his or her individual account in the Public Employee Optional Retirement Program, plus any earnings on such amounts and any contributions specified in paragraph (5)(e).

(3) ELIGIBILITY; RETIREMENT SERVICE CREDIT.—

(c)1. Notwithstanding paragraph (b), each eligible employee who elects to participate in the Public Employee Optional Retirement Program and establishes one or more individual participant accounts under the optional program may elect to transfer to the optional program a sum representing the present value of the employee's accumulated benefit obligation under the defined benefit retirement program of the Florida Retirement System. Upon such transfer, all service credit previously earned under the defined benefit program of the Florida Retirement System shall be nullified for purposes of entitlement to a future benefit under the defined benefit program of the Florida Retirement System. A participant is precluded from transferring the accumulated benefit obligation balance from the defined benefit program upon the expiration of the period afforded to enroll in the optional program.

2. For purposes of this subsection, the present value of the member's accumulated benefit obligation is based upon the member's estimated creditable service and estimated average final compensation under the defined benefit program, subject to recomputation under subparagraph 3. For state employees enrolling under subparagraph (4)(a)1., initial estimates will be based upon creditable service and average final compensation as of midnight on June 30, 2002; for district school board employees enrolling under subparagraph (4)(b)1., initial estimates will be based upon creditable service and average final compensation as of midnight on September 30, 2002; and for local government employees enrolling under subparagraph (4)(c)1., initial estimates will be based upon creditable service and average final compensation as of midnight on December 31, 2002. The dates respectively specified above shall be construed as the "estimate date" for these employees. The actuarial present value of the employee's accumulated benefit obligation shall be based on the following:

a. The discount rate and other relevant actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined, consistent with the factors provided in sub-subparagraphs b. and c.

b. A benefit commencement age, based on the member's estimated creditable service as of the estimate date. The benefit commencement age shall be the younger of the following, but shall not be younger than the member's age as of the estimate date:

(I) Age 62; or

(II) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the defined benefit program of the Florida Retirement System.

c. For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain special risk normal retirement date, the benefit commencement age shall be the younger of the following, but shall not be younger than the member's age as of the estimate date:

(I) Age 55; or

(II) The age the member would attain if the member completed 25 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the defined benefit program of the Florida Retirement System.

d. The calculation shall disregard vesting requirements and early retirement reduction factors that would otherwise apply under the defined benefit retirement program.

3. For each participant who elects to transfer moneys from the defined benefit program to his or her account in the optional program, the division shall recompute the amount transferred under subparagraph 2. not later than 60 days after the actual transfer of funds based upon the participant's actual creditable service and actual final average compensation as of the initial date of participation in the optional program. If the recomputed amount differs from the amount transferred under subparagraph 2. by $10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the participant's account in the optional program the excess, if any, of the recomputed amount over the previously transferred amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon effective annual interest equal to the assumed return on the actuarial investment which was used in the most recent actuarial valuation of the system, compounded annually.

b. Transfer, or cause to be transferred, from the participant's account to the Florida Retirement System Trust Fund the excess, if any, of the previously transferred amount over the recomputed amount, together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 6 percent effective annual interest, compounded annually, pro rata based on the participant's allocation plan.

4. If contribution adjustments are made as a result of employer errors or corrections, including plan corrections, following recomputation of the amount transferred under subparagraph 2., the participant is entitled to the additional contributions or is responsible for returning any excess contributions resulting from the correction, provided that any return of such erroneous excess pretax contribution by the program shall be made within

1 year after the making of such erroneous contributions or such other period as may be allowed by applicable Internal Revenue Service guidance. The present value of the member's accumulated benefit obligation shall not be recalculated.

5.~~4.~~ As directed by the participant, the board shall transfer or cause to be transferred the appropriate amounts to the designated accounts. The board shall establish transfer procedures by rule, but the actual transfer shall not be later than 30 days after the effective date of the member's participation in the optional program unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event which also causes the suspension of trading on any national securities exchange in the country where the securities were issued. In that event, such 30-day period of time may be extended by a resolution of the trustees. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash as determined by the state board. Such securities shall be valued as of the date of receipt in the participant's account.

6.~~5.~~ If the board or the division receives notification from the United States Internal Revenue Service that this paragraph or any portion of this paragraph will cause the retirement system, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, then the portion that will cause the disqualification does not apply. Upon such notice, the state board and the division shall notify the presiding officers of the Legislature.

(4) PARTICIPATION; ENROLLMENT.—

(a)1. With respect to an eligible employee who is employed in a regularly established position on June 1, 2002, by a state employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the third-party administrator by August 31, 2002, or, in the case of an active employee who is on a leave of absence on April 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g) ~~(e)~~. Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's participant and employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed time period is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer commencing after April 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the optional program is irrevocable, except as provided in paragraph (g) ~~(e)~~.

b. If the employee files such election within the prescribed time period, enrollment in the optional program shall be effective on the first day of employment. The participant and employer retirement contributions paid through the month of the employee plan change shall be transferred to the optional program, and, effective the first day of the next month, the participant and employer shall pay the applicable contributions based on the employee membership class in the optional program.

c. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed time period is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program pursuant to s. 121.051(2)(c) 3. or s. 121.35(3)(i), any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her participation in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program. The election must be made in writing or by electronic means and must be filed with the third-party administrator. This election is irrevocable, except as provided in paragraph (g) ~~(e)~~. Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's participation in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's participant and employer contribution is made to the optional program.

4. For purposes of this paragraph, "state employer" means any agency, board, branch, commission, community college, department, institution, institution of higher education, or water management district of the state, which participates in the Florida Retirement System for the benefit of certain employees.

(b)1. With respect to an eligible employee who is employed in a regularly established position on September 1, 2002, by a district school board employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the third-party administrator by November 30, or, in the case of an active employee who is on a leave of absence on July 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g) ~~(e)~~. Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's participant and employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed time period is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a district school board employer commencing after July 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the optional program is irrevocable, except as provided in paragraph (g) ~~(e)~~.

b. If the employee files such election within the prescribed time period, enrollment in the optional program shall be effective on the first day of employment. The participant and employer retirement contributions paid through the month of the employee plan change shall be transferred to the optional program, and, effective the first day of the next month, the participant and employer shall pay the applicable contributions based on the employee membership class in the optional program.

c. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed time period is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "district school board employer" means any district school board that participates in the Florida Retirement System for the benefit of certain employees, or a charter school or charter technical career center that participates in the Florida Retirement System as provided in s. 121.051(2)(d).

(c)1. With respect to an eligible employee who is employed in a regularly established position on December 1, 2002, by a local employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the third-party administrator by February 28, 2003, or, in the case of an active employee who is on a leave of absence on October 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g) ~~(e)~~. Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's participant and employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed time period is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a local employer commencing after October 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the optional program is irrevocable, except as provided in paragraph (g) ~~(e)~~.

b. If the employee files such election within the prescribed time period, enrollment in the optional program shall be effective on the first day of employment. The participant and employer retirement contributions paid through the month of the employee plan change shall be transferred to the optional program, and, effective the first day of the next month, the participant and employer shall pay the applicable contributions based on the employee membership class in the optional program.

c. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed time period is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "local employer" means any employer not included in paragraph (a) or paragraph (b).

(d) Contributions available for self-direction by a participant who has not selected one or more specific investment products shall be allocated as prescribed by the board. The third-party administrator shall notify any such participant at least quarterly that the participant should take an affirmative action to make an asset allocation among the optional program products.

(e) On or after January 1, 2011, a participant of the defined benefit program who obtains a refund of employee contributions retains his or her prior plan choice upon return to employment in a regularly established position with an FRS-participating employer.

(f) A participant of the Public Employee Optional Retirement Program who terminates FRS-covered employment and takes a distribution of any contributions from his Public Employee Optional Retirement Program account is considered a retiree. Upon reemployment in a regularly established position with an FRS-covered employer, the participant returns as a new hire and, if applicable, has the opportunity to participate in the Florida Retirement System. A retiree who is initially reemployed on or after July 1, 2010, is not eligible for renewed membership.

(g)~~(e)~~ After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, or the month following the receipt of the eligible employee's plan election, if sooner, the employee shall have one opportunity, at the employee's discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. Eligible employees may elect to move between Florida Retirement System programs only if they are earning service credit in an employer-employee relationship consistent with the requirements under s. 121.021(17)(b), excluding leaves of absence without pay. Effective July 1, 2005, such elections shall be effective on the first day of the month following the receipt of the election by the third-party administrator and are not subject to the requirements regarding an employer-employee relationship or receipt of contributions for the eligible employee in the effective month, except that the employee must meet the conditions of the previous sentence when the election is received by the third-party administrator. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional Retirement Program account and from other employee moneys as necessary, a sum representing the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program. Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. A refund is not permitted of any member contributions or additional member payments made which exceed the employee contributions that would have accrued had the member remained in the defined benefit program and not transferred to the Public Employee Optional Retirement Program.

3. Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee's actuarial accrued liability. A refund is not permitted of any member contributions or additional member payments made which exceed the employee contributions that would have accrued had the member remained in the defined benefit program and not transferred to the Public Employee Optional Retirement Program.

4. Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement

Program pursuant to paragraphs (a)-(d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(5) CONTRIBUTIONS.—

(a) The participant and ~~Each~~ employer shall make the required contributions to ~~contribute on behalf of each participant in~~ the Public Employee Optional Retirement Program based on a percentage of the employee's gross monthly compensation, as provided in part III of this chapter.

(b) Participant contributions shall be paid on a pretax basis, as provided in s. 401 of the Internal Revenue Code. In no case may such contribution exceed federal limitations. A participant is responsible for monitoring his or her individual contributions to ensure that he or she does not exceed the maximum deferral amounts permitted under the Internal Revenue Code.

(c) The state board, acting as plan fiduciary, shall ensure that all plan assets are held in a trust, pursuant to s. 401 of the Internal Revenue Code. The fiduciary shall ensure that said contributions are allocated as follows:

1. The participant and employer contribution portion earmarked for participant accounts shall be used to purchase interests in the appropriate investment vehicles for the accounts of each participant as specified by the participant, or in accordance with paragraph (4)(d).

2. The employer contribution portion earmarked for administrative and educational expenses shall be transferred to the board.

3. The employer contribution portion earmarked for disability benefits shall be transferred to the department.

(d)~~(b)~~ The third-party administrator is ~~Employers are~~ responsible for monitoring and notifying employers of the ~~participants regarding~~ maximum contribution levels permitted for participants under the Internal Revenue Code. If a participant contributes to any other tax-deferred plan, he or she is responsible for ensuring that total contributions made to the optional program and to any other such plan do not exceed federally permitted maximums.

(e)~~(c)~~ The Public Employee Optional Retirement Program may accept for deposit into participant accounts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of participants, reasonably determined by the board to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code, if such contributions are made in accordance with rules as may be adopted by the board. Such contributions shall be accounted for in accordance with any applicable Internal Revenue Code requirements and rules of the board.

(6) VESTING REQUIREMENTS.—

(a) With respect to employee contributions paid by the participant to the Public Employee Optional Retirement Program, plus interest and earnings thereon and less investment fees and administrative charges, a participant shall be fully and immediately vested.

(b)~~(a)~~1. With respect to employer contributions paid on behalf of the participant to the Public Employee Optional Retirement Program, plus interest and earnings thereon and less investment fees and administrative charges, a participant shall be vested after completing 1 work year, as defined in s. 121.021(54), with an employer, including any service while the participant was a member of the defined benefit retirement program or an optional retirement program authorized under s. 121.051(2)(c) or s. 121.055(6).

2. If the participant terminates employment prior to satisfying the vesting requirements, the nonvested accumulation shall be transferred from the participant's accounts to the state board for deposit and investment by the board in the suspense account of the Public Employee Optional Retirement Program Trust Fund of the board. If the terminated participant is reemployed as an eligible employee within 5 years, the state board shall transfer to the participant's account any amount of the moneys previously transferred from the participant's accounts to the suspense account of the Public Employee Optional Retirement Program Trust Fund, plus the actual earnings on such amount while in the suspense account.

(c)~~(b)~~1. A participant shall be vested in the employer amount transferred from the defined benefit program, plus interest and earnings thereon and less administrative charges and investment fees, upon meeting the service requirements for the participant's membership class as set forth in s. 121.021(29). The third-party administrator shall account for such amounts for each participant. The division shall notify the participant and the third-party administrator when the participant has satisfied the vesting period for Florida Retirement System purposes.

2. If the participant terminates employment prior to satisfying the vesting requirements, the nonvested employer accumulation shall be transferred from the participant's accounts to the state board for deposit and investment by the board in the suspense account of the Public Employee Optional Retirement Program Trust Fund of the board. If the terminated participant is reemployed as an eligible employee within 5 years, the state board shall transfer to the participant's account any amount of the moneys previously transferred from the participant's accounts to the suspense account of the Public Employee Optional Retirement Program Trust Fund, plus the actual earnings on such amount while in the suspense account.

(d)~~(c)~~ Any nonvested accumulations transferred from a participant's account to the suspense account shall be forfeited by the participant if the participant is not reemployed as an eligible employee within 5 years after termination.

(e) If the participant elects to receive any of his or her vested employee or employer contributions upon termination of employment as defined in s. 121.021, the participant shall forfeit all nonvested employer contributions, and accompanying service credit, paid on behalf of the participant to the Public Employee Optional Retirement Program.

(7) BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits shall be provided in accordance with s. 401(a) of the Internal Revenue Code.

(b) Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by participant and employer contributions and earnings thereon.

(c) Benefits shall be payable in accordance with the provisions of s. 121.591.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the Division of Retirement within the Department of Management Services. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of participant and employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's

instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; or periodic reporting to participants, at least quarterly, on account balances and transactions, if these services are authorized by the board as part of the contract.

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(11) PARTICIPANT INFORMATION REQUIREMENTS.—The board shall ensure that each participant is provided a quarterly statement that accounts for the participant and employer contributions made on behalf of such participant; the interest and investment earnings thereon; and any fees, penalties, or other deductions that apply thereto. At a minimum, such statements must:

(a) Indicate the participant's investment options.

(b) State the market value of the account at the close of the current quarter and previous quarter.

(c) Show account gains and losses for the period and changes in account accumulation unit values for the period.

(d) Itemize account contributions for the quarter.

(e) Indicate any account changes due to adjustment of contribution levels, reallocation of contributions, balance transfers, or withdrawals.

(f) Set forth any fees, charges, penalties, and deductions that apply to the account.

(g) Indicate the amount of the account in which the participant is fully vested and the amount of the account in which the participant is not vested.

(h) Indicate each investment product's performance relative to an appropriate market benchmark.

The third-party administrator shall provide quarterly and annual summary reports to the board and any other reports requested by the department or the board. In any solicitation or offer of coverage under an optional retirement program, a provider company shall be governed by the contract readability provisions of s. 627.4145, notwithstanding s. 627.4145(6)(c). In addition, all descriptive materials must be prepared under the assumption that the participant is an unsophisticated investor. Provider companies must maintain an internal system of quality assurance, have proven functional systems that are date-calculation compliant, and be subject to a due-diligence inquiry that proves their capacity and fitness to undertake service responsibilities.

(13) FEDERAL REQUIREMENTS.—

(c) Participant and employer contributions payable under this section for any limitation year may not exceed the maximum amount allowable for qualified defined contribution pension plans under applicable provisions of the Internal Revenue Code. If an employee who has elected to participate in the Public Employee Optional Retirement Program participates in any other plan that is maintained by the participating employer, benefits that accrue under the Public Employee Optional Retirement Program shall be considered primary for any aggregate limitation applicable under s. 415 of the Internal Revenue Code.

(21) PARTICIPATION BY TERMINATED DEFERRED RETIREMENT OPTION PROGRAM PARTICIPANTS.—Notwithstanding any provision of law to the contrary, participants in the Deferred Retirement Option Program offered under part I may, after conclusion of their participation in the program, elect to roll over or authorize a direct trustee-to-trustee transfer to an account under the Public Employee Optional Retirement Program of their Deferred Retirement Option Program proceeds distributed as provided under s. 121.091(13)(c)5. The transaction must constitute an "eligible rollover distribution" within the meaning of s. 402(c)(4) of the Internal Revenue Code.

(b) The affected participant shall direct the investment of his or her investment account; however, unless he or she becomes a renewed member of the Florida Retirement System under s. 121.122 and elects to participate in the Public Employee Optional Retirement Program, participant and employer contributions may not be made to the participant's account as provided under paragraph (5)(a).

Section 15. Subsections (1) and (3) of section 121.4503, Florida Statutes, are amended to read:

121.4503 Florida Retirement System Contributions Clearing Trust Fund.—

(1) The Florida Retirement System Contributions Clearing Trust Fund is created as a clearing fund for disbursing participant and employer contributions to the component plans of the Florida Retirement System and shall be administered by the Department of Management Services. Funds shall be credited to the trust fund as provided in this chapter and shall be held in trust for the contributing participants and employers until such time as the assets are transferred by the department to the Florida Retirement System Trust Fund, the Public Employee Optional Retirement Program Trust Fund, or other trust funds as authorized by law, to be used for the purposes of this chapter. The trust fund is exempt from the service charges imposed by s. 215.20.

(3) The Department of Management Services may adopt rules governing the receipt and disbursement of amounts received by the Florida Retirement System Contributions Clearing Trust Fund from employees and employers contributing to the component plans of the Florida Retirement System.

Section 16. Subsection (1) of section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(1) CONTRIBUTORY ~~NONCONTRIBUTORY~~ PLAN.—Each participant and employer shall submit ~~accomplish the~~ contributions as required by s. 121.71 ~~by a procedure in which no employee's gross salary shall be reduced~~.

Section 17. Section 121.591, Florida Statutes, is amended to read:

121.591 Benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed in the manner prescribed by the state board or the department. Benefits are not payable under the Public Employee Optional Retirement Program prior to termination of employment as provided in s. 121.021(39)(a) for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or for any other reason. The state board or department, as appropriate, may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities as provided herein, the State Board of Administration and the Department of Management Services shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received. The State Board of Administration and the Department of Management Services, as appropriate, are authorized to cash out a de minimis account of a participant who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing participant and employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must either be a

complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the participant. Any nonvested accumulations, including amounts transferred to the suspense account of the Public Employee Optional Retirement Program Trust Fund authorized under s. 121.4501(6), shall be forfeited upon payment of any vested benefit to a participant or beneficiary, except for de minimis distributions or minimum required distributions as provided under this section. If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the State Board of Administration shall cancel the instrument and credit the amount of the instrument to the suspense account of the Public Employee Optional Retirement Program Trust Fund authorized under s. 121.4501(6). Any such amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section, within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings attributable to employer contributions thereon shall be forfeited. Any such forfeited amounts are assets of the Public Employee Optional Retirement Program Trust Fund and are not subject to the provisions of chapter 717.

(1) NORMAL BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits in the form of vested accumulations as described in s. 121.4501(6) are payable under this subsection in accordance with the following terms and conditions:

1. To the extent vested, benefits are payable only to a participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

4. Benefit payments may not be made until the participant has been terminated for 3 calendar months, except that the board may authorize by rule for the distribution of up to 10 percent of the participant's account after being terminated for 1 calendar month if the participant has reached the normal retirement date as defined in s. 121.021 of the defined benefit plan.

5. If a member or former member of the Florida Retirement System receives an invalid distribution from the Public Employee Optional Retirement Program Trust Fund, such person must repay the full invalid distribution to the trust fund within 90 days after receipt of final notification by the state board or the third-party administrator that the distribution was invalid. If such person fails to repay the full invalid distribution within 90 days after receipt of final notification, the person may be deemed retired from the optional retirement program by the state board, as provided pursuant to s. 121.4501(2)(j), and is subject to s. 121.122. If such person is deemed retired by the state board, any joint and several liability set out in s. 121.091(9)(d)2. becomes null and void, and the state board, the department, or the employing agency is not liable for gains on payroll contributions that have not been deposited to the person's account in the retirement program, pending resolution of the invalid distribution. The member or former member who has been deemed retired or who has been determined by the board to have taken an invalid distribution may appeal the agency decision through the complaint process as provided under s. 121.4501(9)(g)3. As used in this subparagraph, the term "invalid distribution" means any distribution from an account in the optional retirement program which is taken in violation of this section, s. 121.091(9), or s. 121.4501.

(b) If a participant elects to receive his or her benefits upon termination of employment as defined in s. 121.021, the participant must submit a written application or an equivalent form to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant pro rata across all FRS benefit sources, as:

1. A lump-sum or partial distribution to the participant;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or

3. Periodic distributions, as authorized by the state board.

(d) The distribution payment method selected by the participant or beneficiary, and the retirement of the participant or beneficiary, shall be final and irrevocable at the time a benefit distribution payment is cashed, deposited, or transferred to another financial institution. Any additional service that remains unclaimed at retirement may not be claimed or purchased, and the type of retirement may not be changed, except that if a participant recovers from a disability, the participant may subsequently request normal service benefits under subsection (2).

(e) A participant may not receive a distribution of employee contributions if a pending qualified domestic relations order is filed against the participant's Public Employee Optional Retirement Program account.

(2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under this subsection are payable in lieu of the benefits which would otherwise be payable under the provisions of subsection (1). Such benefits shall be funded ~~entirely~~ from employer contributions made under s. 121.571, transferred participant contributions and funds accumulated pursuant to paragraph (a), and interest and earnings thereon. Pursuant thereto:

(a) *Transfer of funds.*—To qualify to receive monthly disability benefits under this subsection:

1. All moneys accumulated in the participant's Public Employee Optional Retirement Program accounts, including vested and nonvested accumulations as described in s. 121.4501(6), shall be transferred from such individual accounts to the Division of Retirement for deposit in the disability account of the Florida Retirement System Trust Fund. Such moneys shall be separately accounted for. Earnings shall be credited on an annual basis for amounts held in the disability accounts of the Florida Retirement System Trust Fund based on actual earnings of the Florida Retirement System Trust Fund.

2. If the participant has retained retirement credit he or she had earned under the defined benefit program of the Florida Retirement System as provided in s. 121.4501(3)(b), a sum representing the actuarial present value of such credit within the Florida Retirement System Trust Fund shall be reassigned by the Division of Retirement from the defined benefit program to the disability program as implemented under this subsection and shall be deposited in the disability account of the Florida Retirement System Trust Fund. Such moneys shall be separately accounted for.

(b) *Disability retirement; entitlement.*—

1. A participant of the Public Employee Optional Retirement Program who becomes totally and permanently disabled, as defined in s. 121.091(4)(b), after completing 8 years of creditable service, or a participant who becomes totally and permanently disabled in the line of duty regardless of his or her length of service, shall be entitled to a monthly disability benefit as provided herein.

2. In order for service to apply toward the 8 years of service required to vest for regular disability benefits, or toward the creditable service used in calculating a service-based benefit as provided for under paragraph (g), the service must be creditable service as described below:

a. The participant's period of service under the Public Employee Optional Retirement Program will be considered creditable service, except as provided in subparagraph d.

b. If the participant has elected to retain credit for his or her service under the defined benefit program of the Florida Retirement System as provided under s. 121.4501(3)(b), all such service will be considered creditable service.

c. If the participant has elected to transfer to his or her participant accounts a sum representing the present value of his or her retirement credit under the defined benefit program as provided under s. 121.4501(3)(c), the period of service under the defined benefit program represented in the present value amounts transferred will be considered creditable service for purposes of vesting for disability benefits, except as provided in subparagraph d.

d. Whenever a participant has terminated employment and has taken distribution of his or her funds as provided in subsection (1), all creditable service represented by such distributed funds is forfeited for purposes of this subsection.

(c) *Disability retirement effective date.*—The effective retirement date for a participant who applies and is approved for disability retirement shall be established as provided under s. 121.091(4)(a)2. and 3.

(d) *Total and permanent disability.*—A participant shall be considered totally and permanently disabled if, in the opinion of the division, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.

(e) *Proof of disability.*—The division, before approving payment of any disability retirement benefit, shall require proof that the participant is totally and permanently disabled in the same manner as provided for members of the defined benefit program of the Florida Retirement System under s. 121.091(4)(c).

(f) *Disability retirement benefit.*—Upon the disability retirement of a participant under this subsection, the participant shall receive a monthly benefit that shall begin to accrue on the first day of the month of disability retirement, as approved by the division, and shall be payable on the last day of that month and each month thereafter during his or her lifetime and continued disability. All disability benefits payable to such member shall be paid out of the disability account of the Florida Retirement System Trust Fund established under this subsection.

(g) *Computation of disability retirement benefit.*—The amount of each monthly payment shall be calculated in the same manner as provided for members of the defined benefit program of the Florida Retirement System under s. 121.091(4)(f). For such purpose, creditable service under both the defined benefit program and the Public Employee Optional Retirement Program of the Florida Retirement System shall be applicable as provided under paragraph (b).

(h) *Reapplication.*—A participant whose initial application for disability retirement has been denied may reapply for disability benefits in the same manner, and under the same conditions, as provided for members of the defined benefit program of the Florida Retirement System under s. 121.091(4)(g).

(i) *Membership.*—Upon approval of an application for disability benefits under this subsection, the applicant shall be transferred to the defined benefit program of the Florida Retirement System, effective upon his or her disability retirement effective date.

(j) *Option to cancel.*—Any participant whose application for disability benefits is approved may cancel his or her application for disability benefits, provided that the cancellation request is received by the division before a disability retirement warrant has been deposited, cashed, or received by direct deposit. Upon such cancellation:

1. The participant's transfer to the defined benefit program under paragraph (i) shall be nullified;

2. The participant shall be retroactively reinstated in the Public Employee Optional Retirement Program without hiatus;

3. All funds transferred to the Florida Retirement System Trust Fund under paragraph (a) shall be returned to the participant accounts from which such funds were drawn; and

4. The participant may elect to receive the benefit payable under the provisions of subsection (1) in lieu of disability benefits as provided under this subsection.

(k) *Recovery from disability.*—

1. The division may require periodic reexaminations at the expense of the disability program account of the Florida Retirement System Trust Fund. Except as otherwise provided in subparagraph 2., the requirements, procedures, and restrictions relating to the conduct and review of such reexaminations, discontinuation or termination of benefits, reentry into employment, disability retirement after reentry into covered employment, and all other matters relating to recovery from disability shall be the same as are set forth under s. 121.091(4)(h).

2. Upon recovery from disability, any recipient of disability retirement benefits under this subsection shall be a compulsory member of the Public Employee Optional Retirement Program of the Florida Retirement System. The net difference between the recipient's original account balance transferred to the Florida Retirement System Trust Fund, including earnings, under paragraph (a) and total disability benefits paid to such recipient, if any, shall be determined as provided in sub-subparagraph a.

a. An amount equal to the total benefits paid shall be subtracted from that portion of the transferred account balance consisting of vested accumulations as described under s. 121.4501(6), if any, and an amount equal to the remainder of benefit amounts paid, if any, shall then be subtracted from any remaining portion consisting of nonvested accumulations as described under s. 121.4501(6).

b. Amounts subtracted under sub-subparagraph a. shall be retained within the disability account of the Florida Retirement System Trust Fund. Any remaining account balance shall be transferred to the third-party administrator for disposition as provided under sub-subparagraph c. or sub-subparagraph d., as appropriate.

c. If the recipient returns to covered employment, transferred amounts shall be deposited in individual accounts under the Public Employee Optional Retirement Program, as directed by the participant. Vested and nonvested amounts shall be separately accounted for as provided in s. 121.4501(6).

d. If the recipient fails to return to covered employment upon recovery from disability:

(I) Any remaining vested amount shall be deposited in individual accounts under the Public Employee Optional Retirement Program, as directed by the participant, and shall be payable as provided in subsection (1).

(II) Any remaining nonvested amount shall be held in a suspense account and shall be forfeitable after 5 years as provided in s. 121.4501(6).

3. If present value was reassigned from the defined benefit program to the disability program of the Florida Retirement System as provided under subparagraph (a)2., the full present value amount shall be returned to the defined benefit account within the Florida Retirement System Trust Fund and the affected individual's associated retirement credit under the defined benefit program shall be reinstated in full. Any benefit based upon such credit shall be calculated as provided in s. 121.091(4)(h)1.

(l) *Nonadmissible causes of disability.*—A participant shall not be entitled to receive a disability retirement benefit if the disability results from any injury or disease sustained or inflicted as described in s. 121.091(4)(i).

(m) *Disability retirement of justice or judge by order of Supreme Court.*—

1. If a participant is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for 6 years or more as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, the participant's Option 1 monthly disability benefit amount as provided in s. 121.091(6)(a)1. shall be two-thirds of his or her monthly compensation as of the participant's disability retirement date. Such a participant may alternatively elect to receive an actuarially adjusted disability retirement benefit under any other option as provided in s. 121.091(6)(a), or to receive the normal benefit payable under the Public Employee Optional Retirement Program as set forth in subsection (1).

2. If any justice or judge who is a participant of the Public Employee Optional Retirement Program of the Florida Retirement System is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution and elects to receive a monthly disability benefit under the provisions of this paragraph:

a. Any present value amount that was transferred to his or her program account and all participant and employer contributions made to such account on his or her behalf, plus interest and earnings thereon, shall be transferred to and deposited in the disability account of the Florida Retirement System Trust Fund; and

b. The monthly benefits payable under this paragraph for any affected justice or judge retired from the Florida Retirement System pursuant to Art.

V of the State Constitution shall be paid from the disability account of the Florida Retirement System Trust Fund.

(n) *Death of retiree or beneficiary.*—Upon the death of a disabled retiree or beneficiary thereof who is receiving monthly benefits under this subsection, the monthly benefits shall be paid through the last day of the month of death and shall terminate, or be adjusted, if applicable, as of that date in accordance with the optional form of benefit selected at the time of retirement. The Department of Management Services may adopt rules necessary to administer this paragraph.

(3) DEATH BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Survivor benefits shall be payable in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant's beneficiary or beneficiaries as designated by the participant as provided in s. 121.4501(20).

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be deceased.

(b) In the event of a participant's death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in paragraph (c) or as described in s. 121.4501(20), as if the participant retired on the date of death. No other death benefits shall be available for survivors of participants under the Public Employee Optional Retirement Program, except for such benefits, or coverage for such benefits, as are otherwise provided by law or are separately afforded by the employer, at the employer's discretion.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable by the third-party administrator to the participant's surviving beneficiary or beneficiaries, as:

1. A lump-sum distribution payable to the beneficiary or beneficiaries, or to the deceased participant's estate;

2. An eligible rollover distribution, if permitted, on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse; or

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an eligible retirement plan, if permitted, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(4) LIMITATION ON LEGAL PROCESS.—The benefits payable to any person under the Public Employee Optional Retirement Program, and any contributions accumulated under such program, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

Section 18. Subsection (1) of section 121.70, Florida Statutes, is amended to read:

121.70 Legislative purpose and intent.—

(1) This part provides for a uniform system for funding benefits provided under the Florida Retirement System defined benefit program established under part I of this chapter (referred to in this part as the defined benefit program) and under the Public Employee Optional Retirement Program established under part II of this chapter (referred to in this part as the optional retirement program). The Legislature recognizes and declares that the Florida Retirement System is a single retirement system, consisting of two retirement plans and other nonintegrated programs. Employees and employers participating in the Florida Retirement System collectively shall be responsible for making contributions to support the benefits afforded under both plans. As provided in this part, employees and employers participating in the Florida Retirement System shall make contributions based upon uniform contribution rates determined as a percentage of the employee's gross monthly compensation ~~total payroll~~ for the employee's ~~each~~ class or subclass of Florida Retirement System membership, irrespective of which retirement plan individual employees may elect. This shall be known as a uniform or blended contribution rate system.

Section 19. Subsection (2) of section 121.71, Florida Statutes, is amended, present subsections (3) and (4) of that section are renumbered as subsections (4) and (7), respectively, and new subsections (3), (5), and (6) are added to that section, to read:

121.71 Uniform rates; process; calculations; levy.—

(2) Based on the uniform rates set forth in subsections ~~subsection~~ (3), (4), and (5), employees and employers shall make monthly contributions to the Division of Retirement as required in s. 121.061(1), which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employee and employer contribution may be made on or after the beginning date of the change. Beginning January 1, 2011, each employee shall contribute to the plan the contributions required in subsection (3). The employer shall deduct the contribution from the employee's monthly salary, and the contribution shall be submitted to the Division of Retirement. These contributions shall be reported as employer-paid employee contributions, and shall be credited to the account of the employee. The contributions shall be deducted from the employee's salary before the computation of applicable federal taxes and shall be treated as employer contributions under 26 U.S.C. 414(b)(2). The contributions, although designated as employee contributions, are being paid by the employers in lieu of contributions by the employee. The employee shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan. Such contributions are mandatory and each employee shall be considered to consent to payroll deductions. Payment of an employee's salary or wages, less the contribution, is a full and complete discharge and satisfaction of all claims and demands for the service rendered by employees during the period covered by the payment, except their claims to the benefits to which they may be entitled under the provisions of this chapter.

(3) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective January 1, 2011
Regular Class	0.25%
Special Risk Class	0.25%
Special Risk Administrative Support Class	0.25%
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.25%
Elected Officers' Class - Justices, Judges	0.25%
Elected Officers' Class - County Elected Officers	0.25%

Senior Management Class	0.25%
DROP	0.25%

(4)~~(3)~~ Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2010 ~~2009~~	Percentage of Gross Compensation, Effective January 1, 2011 ~~July 1, 2010~~
Regular Class	9.76% ~~8.69%~~	9.54% ~~9.63%~~
Special Risk Class	22.15% ~~19.76%~~	21.92% ~~22.11%~~
Special Risk Administrative Support Class	11.24% ~~11.39%~~	11.02% ~~12.10%~~
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	14.38% ~~13.32%~~	14.16% ~~15.20%~~
Elected Officers' Class - Justices, Judges	19.39% ~~18.40%~~	19.15% ~~20.65%~~
Elected Officers' Class - County Elected Officers	16.62% ~~15.37%~~	16.39% ~~17.50%~~
Senior Management Class	11.70% ~~11.96%~~	11.49% ~~13.43%~~
DROP	14.23% ~~9.80%~~	14.21% ~~11.14%~~

(5) In order to address unfunded actuarial liabilities of the system, the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2010	Percentage of Gross Compensation, Effective July 1, 2011
Regular Class	0.00%	1.58%
Special Risk Class	0.00%	5.97%
Special Risk Administrative Support Class	0.00%	15.97%
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.00%	17.05%
Elected Officers' Class - Justices, Judges	0.00%	11.00%
Elected Officers' Class - County Elected Officers	0.00%	19.75%
Senior Management Class	0.00%	9.26%
DROP	0.00%	4.97%

(6) If a member is reported under an incorrect membership class and the amount of contributions reported and remitted are less than the amount required, the employer shall owe the difference, plus the delinquent fee, of 1 percent for each calendar month or part thereof that the contributions should have been paid. This delinquent assessment may not be waived. If the contributions reported and remitted are more than the amount required, the employer shall receive a credit to be applied against future contributions owed.

(7)~~(4)~~ The state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates.

Section 20. Subsections (2), (3), and (4) of section 121.72, Florida Statutes, are amended to read:

121.72 Allocations to optional retirement program participant accounts; percentage amounts.—

(2) The allocations are stated as a percentage of each optional retirement program participant's gross compensation for the calendar month. A change in a contribution percentage is effective the first day of the month for which retirement contributions ~~a full month's employer contribution~~ may be made on or after the beginning date of the change. Contribution percentages may be modified by general law.

(3) Employer and participant contributions to participant accounts shall be accounted for separately. ~~Participant contributions may be made only if expressly authorized by law.~~ Interest and investment earnings on contributions shall accrue on a tax-deferred basis until proceeds are distributed.

(4) Effective January 1, 2011 ~~July 1, 2002~~, allocations from the Florida Retirement System Contributions Clearing Trust Fund to optional retirement program participant accounts, including employee contributions as required in s. 121.71(3), shall be as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	9.00%
Special Risk Class	20.00%
Special Risk Administrative Support Class	11.35%
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.40%
Elected Officers' Class - Justices, Judges	18.90%
Elected Officers' Class - County Elected Officers	16.20%
Senior Management Service Class	10.95%

Section 21. Section 121.73, Florida Statutes, is amended to read:

121.73 Allocations for optional retirement program participant disability coverage; percentage amounts.—

(1) The allocations established in subsection (3) shall be used to provide disability coverage for participants in the optional retirement program and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the disability account of the Florida Retirement System Trust Fund.

(2) The allocations are stated as a percentage of each optional retirement program participant's gross compensation for the calendar month. A change in

a contribution percentage is effective the first day of the month for which retirement contributions ~~a full month's employer contribution~~ may be made on or after the beginning date of the change. Contribution percentages may be modified by general law.

(3) Effective July 1, 2002, allocations from the FRS Contribution Clearing Fund to provide disability coverage for participants in the optional retirement program, and to offset the costs of administering said coverage, shall be as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	0.25%
Special Risk Class	1.33%
Special Risk Administrative Support Class	0.45%
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.41%
Elected Officers' Class - Justices, Judges	0.73%
Elected Officers' Class - County Elected Officers	0.41%
Senior Management Service Class	0.26%

Section 22. Section 121.74, Florida Statutes, is amended to read:

121.74 Administrative and educational expenses.—In addition to contributions required under ss. ~~s.~~ 121.71 and 121.73, effective July 1, 2010, through June 30, 2014, employers participating in the Florida Retirement System shall contribute an amount equal to 0.03 ~~0.05~~ percent of the payroll reported for each class or subclass of Florida Retirement System membership. Effective July 1, 2014, the contribution rate shall be 0.04 percent of the payroll reported for each class or subclass of membership. The~~, which~~ amount contributed shall be transferred by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the optional retirement program and the costs of providing educational services to participants in the defined benefit program and the optional retirement program. Approval of the trustees ~~of the State Board of Administration~~ is required before ~~prior to~~ the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

Section 23. Section 121.76, Florida Statutes, is amended to read:

121.76 Contributions for social security and for retiree health insurance subsidy.—Contributions required under this part shall be made or deducted, as may be appropriate, for each pay period and are in addition to employer and member contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund as provided under parts I and II of this chapter. The employer-paid employee contributions specified in s. 121.71(2) are subject to taxes imposed under the Federal Insurance Contributions Act, 26 U.S.C. ss. 3101-3128.

Section 24. Subsections (1) and (3) of section 121.78, Florida Statutes, are amended to read:

121.78 Payment and distribution of contributions.—

(1) Contributions made pursuant to this part shall be paid by the employer, including the employee contribution, to the Division of Retirement by electronic funds transfer no later than the 5th working day of the month immediately following the month during which the payroll period ended. Accompanying payroll data must be transmitted to the division concurrent with the contributions.

(3)(a) Employee and employer contributions and accompanying payroll data received after the 5th working day of the month shall be considered late. The employer shall be assessed by the division a penalty of 1 percent of the contributions due for each calendar month or part thereof that the contributions or accompanying payroll data are late. Proceeds from the 1-percent assessment against contributions made on behalf of participants of the defined benefit program shall be deposited in the Florida Retirement System Trust Fund, and proceeds from the 1-percent assessment against contributions made on behalf of participants of the optional retirement program shall be transferred to the third-party administrator for deposit into participant accounts, as provided in paragraph (c) ~~(b)~~.

(b) Retirement contributions paid for a prior period shall be charged a delinquent fee of 1 percent for each calendar month or part thereof that the contributions should have been paid. This includes prior period contributions due to incorrect wages and contributions from an earlier report or wages and contributions that should have been reported, but were not. This delinquent assessment may not be waived.

(c)~~(b)~~ If employee contributions or contributions made by an employer on behalf of participants of the optional retirement program or accompanying payroll data are not received within the calendar month they are due, including, but not limited to, contribution adjustments as a result of employer errors or corrections, and if that delinquency results in market losses to participants, the employer shall reimburse each participant's account for market losses resulting from the late contributions. If a participant has terminated employment and taken a distribution, the participant is responsible for returning any excess contributions erroneously provided by employers, adjusted for any investment gain or loss incurred during the period such excess contributions were in the participant's Public Employee Optional Retirement Program account. The State Board of Administration or its designated agent shall communicate to terminated participants any obligation to repay such excess contribution amounts. However, the State Board of Administration, its designated agents, the Public Employee Optional Retirement Program Trust Fund, the Department of Management Services, or the Florida Retirement System Trust Fund shall not incur any loss or gain as a result of an employer's correction of such excess contributions. The third-party administrator, hired by the board pursuant to s. 121.4501(8), shall calculate the market losses for each affected participant. When contributions made on behalf of participants of the optional retirement program or accompanying payroll data are not received within the calendar month due, the employer shall also pay the cost of the third-party administrator's calculation and reconciliation adjustments resulting from the late contributions. The third-party administrator shall notify the employer of the results of the calculations and the total amount due from the employer for such losses and the costs of calculation and reconciliation. The employer shall remit to the division the amount due within 10 working days after the date of the penalty notice sent by the division. The division shall transfer said amount to the third-party administrator, who shall deposit proceeds from the 1-percent assessment and from individual market losses into participant accounts, as appropriate. The board is authorized to adopt rules to implement the provisions regarding late contributions, late submission of payroll data, the process for reimbursing participant accounts for resultant market losses, and the penalties charged to the employers.

(d) If employee contributions reported by an employer on behalf of participants are reduced as a result of employer errors or corrections, and the participant has terminated employment and taken a refund or distribution, the employer shall be billed and is responsible for recovering from the participant any excess contributions erroneously provided by the employer.

(e)~~(c)~~ Delinquency fees specified in paragraph (a) may be waived by the division, with regard to defined benefit program contributions, and by the State Board of Administration, with regard to optional retirement program contributions, only when, in the opinion of the division or the board, as appropriate, exceptional circumstances beyond the employer's control prevented remittance by the prescribed due date notwithstanding the employer's good faith efforts to effect delivery. Such a waiver of delinquency may be granted an employer only one time each plan ~~state fiscal~~ year.

(f) If the employer submits excess employer or employee contributions, the employer shall receive a credit to be applied against future contributions owed. The employer is responsible for reimbursing the employee for any excess contributions submitted, provided that any return of such an erroneous

excess pretax contribution by the program shall be made within 1 year after making erroneous contributions or such other period as may be allowed by applicable Internal Revenue guidance.

Section 25. Paragraph (a) of subsection (4) of section 1012.875, Florida Statutes, is amended to read:

1012.875 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a) Through December 31, 2010, each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant's gross monthly compensation. Effective January 1, 2011, each program participant shall contribute an amount equal to the employee contribution required in s. 121.71(3). Effective January 1, 2011, each employer shall contribute on behalf of each program participant an amount equal to the difference between 10.43 percent of the participant's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation. The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

Section 26. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 27. For the 2010-2011 fiscal year, the sums of $414,109 of recurring funds and $31,016 of nonrecurring funds from the Florida Retirement System Operating Trust Fund are appropriated to, and eight full-time equivalent positions and salary rate of 265,621 are authorized for, the Division of Retirement within the Department of Management Services for the purpose of implementing this act.

Section 28. This act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the Florida Retirement System; amending s. 121.011, F.S.; deleting a provision ensuring certain rights of members of the system; providing for employee and employer contributions; providing that the rights of members are of a contractual nature; amending s. 121.021, F.S.; redefining the terms "prior service," "termination," "benefit," and "payee"; amending s. 121.051, F.S.; requiring that a local governmental entity or the governing body of a charter school or charter technical career center make certain elections regarding benefits at the time the entity or governing body joins the Florida Retirement System; providing that employer-paid employee contributions are subject to certain taxes; amending s. 121.0515, F.S.; providing for employee contributions to be used, if applicable, when purchasing credit for past service; amending s. 121.052, F.S., relating to the membership class of elected officers; conforming provisions to changes made by the act; providing for a refund of contributions under certain circumstances for an officer who leaves office; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; amending s. 121.053, F.S.; clarifying the contributions required for a member in the Elected Officers' Class who participates in the Deferred Retirement Option Program; amending s. 121.055, F.S., relating to the Senior Management Service Class; conforming provisions to changes made by the act; providing for a refund of contributions under certain circumstances for a member who terminates employment; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; requiring employee and employer contributions for participants in the Senior Management Service Optional Annuity Program, effective January 1, 2011, and thereafter; limiting the payment of benefits prior to a participant's termination of employment; amending s. 121.071, F.S.; requiring employee and employer contributions to the retirement system effective January 1, 2011; providing for a refund of contributions under certain circumstances following termination of employment; prohibiting such refund if an approved qualified domestic relations order is filed against the participant's retirement account; requiring repayment plus interest of an invalid refund; amending s. 121.081, F.S.; providing requirements for contributions for prior service performed on or after January 1, 2011; amending s. 121.091, F.S.; providing for the refund of accumulated contributions if a member's employment is terminated for any reason other than death or retirement; amending s. 121.121, F.S., relating to the purchase of creditable service following an authorized leave of absence; requiring that service credit be purchased at the employee and employer contribution rates in effect during the leave of absence; amending s. 121.125, F.S.; requiring that the employer make the required employee and employer retirement contributions following an employee's workers' compensation injury or illness; requiring that a penalty be assessed against an employer that fails to pay the required contributions; amending s. 121.35, F.S., relating to the optional retirement program for the State University System; requiring employee and employer contributions for participants in the optional retirement program, effective January 1, 2011, and thereafter; deleting certain requirements governing employer contributions to conform to changes made by the act; limiting the payment of benefits prior to a participant's termination of employment; amending s. 121.4501, F.S.; requiring that participants in the Public Employee Optional Retirement Program make certain contributions to the program trust fund based on the employee's membership class; redefining the term "retiree" and defining the term "participant contributions"; providing for contribution adjustments as a result of errors or corrections; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; providing for a participant to retain his or her prior plan choice following a return to employment; excluding certain retirees from renewed membership in the Florida Retirement System; limiting certain refunds of contributions which exceed the amount that would have accrued had the member remained in the defined benefit program; providing certain requirements and limitations with respect to contributions; clarifying that participant and employer contributions are earmarked for specified purposes; providing duties of the third-party administrator; providing that a participant is vested immediately with respect to employee contributions paid by the participant; providing for the forfeiture of nonvested employer contributions and service credit under certain circumstances; amending s. 121.4503, F.S.; providing for the deposit of participant contributions into the Florida Retirement System

Contributions Clearing Trust Fund; amending s. 121.571, F.S.; providing requirements for submitting participant contributions; amending s. 121.591, F.S.; limiting the payment of benefits prior to a participant's termination of employment; providing for the forfeiture of nonvested accumulations upon payment of certain vested benefits; providing that the distribution payment method selected by the participant or beneficiary is irrevocable at the time of distribution; prohibiting a distribution of employee contributions if an qualified domestic relations order is filed against the participant's account; amending s. 121.70, F.S.; revising legislative intent; amending s. 121.71, F.S.; requiring that employee contributions be deducted from the employee's monthly salary, beginning on a specified date, and treated as employer contributions under certain provisions of federal law; clarifying that an employee may not receive such contributions directly; specifying the required employee contribution rates for the membership of each membership class and subclass of the Florida Retirement System; specifying the required employer retirement contribution rates for each membership class and subclass of the system in order to address unfunded actuarial liabilities of the system; requiring an assessment to be imposed if the employee contributions remitted are less than the amount required; providing for the employer to receive a credit for excess contributions remitted; amending s. 121.72, F.S.; revising certain requirements governing allocations to optional retirement program participant accounts; amending s. 121.73, F.S., relating to disability coverage for participants in the optional retirement program; conforming provisions to changes made by the act; amending s. 121.74, F.S.; revising the amount that employers are required to contribute for administrative and educational expenses; amending s. 121.76, F.S.; providing that employer-paid employee contributions are subject to certain taxes; amending s. 121.78, F.S.; revising certain requirements for administering the payment and distribution of contributions; requiring that certain fees be imposed for delinquent payment; providing that an employer is responsible for recovering any refund provided to an employee in error; revising the terms of an authorized waiver of delinquency; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; amending s. 1012.875, F.S.; requiring employee and employer contributions for participants in the State Community College System Optional Retirement Program, effective January 1, 2011, and thereafter; providing that the act fulfills an important state interest; providing appropriations to and authorizing additional positions for the Division of Retirement within the Department of Management Services; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 5611, with 1 amendment. Having refused to pass CS for HB 5611 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

CS/HB 5611—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.042, F.S.; providing that fees collected by the department for the use of its electronic information services in excess of the obligations and encumbrances to cover the department's costs of providing the services shall be calculated annually and transferred to the General Revenue Fund; amending s. 287.057, F.S.; providing that fees collected by the department for the use of the services of its online procurement systems in excess of the obligations and encumbrances to cover the department's costs of providing the services shall be calculated annually and transferred to the General Revenue Fund; amending s. 287.05721, F.S.; repealing the definition of "council" as it relates to the Council on Efficient Government; repealing s. 287.0573, F.S., relating to creation of the Council on Efficient Government within the department; amending s. 287.0574, F.S.; conforming provisions to the elimination of the Council on Efficient Government; requiring that a business case be submitted in the form and manner required by the budget instructions; providing an effective date.

(Amendment Bar Code: 650136)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5701, with 1 amendment. Having refused to pass HB 5701 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5701—A bill to be entitled An act relating to health insurance subsidies; amending s. 110.12312, F.S.; conforming provisions to changes made by this act; amending s. 112.19, F.S.; revising eligibility for certain health insurance subsidies for law enforcement, correctional, and correctional probation officers; amending s. 112.191, F.S.; revising eligibility for certain health insurance subsidies for firefighters; amending s. 112.363, F.S.; providing for the elimination of retiree health insurance subsidies to certain new retirees or beneficiaries; provides for the future repeal of certain retiree health insurance subsidies; amending s. 121.051, F.S.; conforming provisions to changes made by this act; revising the employer contribution for employees in the State Community College System Optional Retirement Program; amending ss. 121.052, 121.055, and 121.071, F.S.; revising the employer retiree health insurance subsidy contribution for participants in the Elected Officers' Class, Senior Management Service Class, Regular Class, Special Risk Class, and Special Risk Administrative Support Class; providing for future repeal of specified required employer contributions on behalf of each member of the Elected Officers' Class, Senior Management Service Class, Regular Class, Special Risk Class, and Special Risk Administrative Support Class; amending s. 121.053, F.S.; revising requirements for the earning of additional credit toward the maximum health insurance subsidy for certain members of the Elected Officers' Class; providing for future repeal of provision relating to health insurance subsidies; amending s. 121.091, F.S.; providing that certain employees who have terminated participation in DROP may not receive retiree health insurance subsidy payments; amending s. 121.091, F.S.; providing for the future repeal of certain provisions to conform to changes made by this act; amending s. 121.122, F.S.; revising requirements for the earning of additional credit toward the maximum health insurance subsidy for certain members of the Senior Management Service Class; amending s. 121.122, F.S.; providing for future repeal of certain provisions to conform to changes made by this act; amending s. 121.35, F.S.; providing for the transfer of contributions for members in the State University Optional Retirement Program to the Florida Retirement System Trust Fund; revises the employer contribution for employees in the State University Optional Retirement Program; revising the employer contribution for participants in the optional retirement program; providing for the future repeal of subsection (18) of s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program retiree health insurance subsidy; conforms cross-references; amending s. 121.571, F.S.; conforming provisions to changes made by this act; amending s. 121.591, F.S.; conforming cross-references; amending s. 121.76, F.S.; revising provisions relating to contributions for Social Security and the retiree health insurance subsidy; amending s. 1012.875, F.S.; revises the employer contribution for employees in the State Community College System Optional Retirement Program; providing effective dates.

(Amendment Bar Code: 467082)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5703, with 1 amendment. Having refused to pass HB 5703 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5703—A bill to be entitled An act relating to retirement; amending s. 112.625, F.S.; revising the definition of the term "statement value"; amending s. 112.64, F.S.; providing limitations for the total contributions made to certain retirement systems or plans; prohibiting certain retirement systems or plans from amortizing their unfunded liabilities over a specified period; limiting the amortization bases created in specified future plan years; providing disclosure requirements; amending s. 121.053, F.S.; requiring employers to make specified retirement contributions on behalf of certain employees in the Elected Officers' Class, including those in DROP; providing exceptions; amending s. 121.055, F.S.; requiring employers to make specified retirement contributions on behalf of certain employees who have withdrawn from the Senior Management Service Class; providing an exception; amending s. 121.122, F.S.; requiring employers to make specified retirement contributions on behalf of certain reemployed retirees; providing an exception; amending ss. 112.05, 121.051, 121.091, 121.35, and 1012.875, F.S.; providing exceptions to required employer contributions on behalf of certain program participants in conformance with changes made by this act; providing a declaration of important state interest; providing an effective date.

(Amendment Bar Code: 494910)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5705, with 1 amendment. Having refused to pass HB 5705 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5705—A bill to be entitled An act relating to state employees; providing for the resolution of economic collective bargaining issues at impasse between the State of Florida and certified bargaining units for state employees pursuant to specified instructions; providing an effective date.

(Amendment Bar Code: 125572)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause
and insert:

Section 1. All collective bargaining issues for which negotiations have reached an impasse for the 2010-2011 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in the General Appropriations Act and the relevant provisions of any legislation enacted to implement the General Appropriations Act for the 2010-2011 fiscal year.

Section 2. This act shall take effect July 1, 2010.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to state employees; providing for the resolution of collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5707, with 1 amendment. Having refused to pass HB 5707 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5707—A bill to be entitled An act relating to the Florida Savings Fund; amending s. 215.32, F.S.; establishing the Florida Savings Fund; conforming provisions; specifying that the fund balance is part of the working capital balance of the state; providing for the calculation of the required fund balance; providing for transfer of funds from the General Revenue Fund to the Florida Savings Fund; requiring that interest earned by the Florida Savings Fund be deposited in the General Revenue Fund; providing for the use of funds in the Florida Savings Fund; amending s. 216.221, F.S.; specifying conditions for determining when a deficit in the General Revenue Fund is deemed to occur for purposes of adjusting appropriations to prevent such a deficit; authorizing the Chief Financial Officer to transfer funds from the Florida Savings Fund to the General Revenue Fund under certain circumstances; conforming cross-references; amending s. 216.222, F.S.; revising the conditions for determining when a deficit in the General Revenue Fund is deemed to occur for purposes of transferring funds from the Budget Stabilization Fund to offset such a deficit; amending s. 252.37, F.S.; authorizing funds in the Florida Savings Fund to be transferred and expended under certain emergency conditions; providing an effective date.

(Amendment Bar Code: 193080)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5709, with 1 amendment. Having refused to pass HB 5709 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5709—A bill to be entitled An act relating to joint legislative organizations; repealing s. 11.42, F.S., relating to the Auditor General; repealing ss. 11.51, 11.511, and 11.513, F.S., relating to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.60, F.S., relating to the Joint Administrative Procedures Committee; repealing s. 11.70, F.S., relating to the Legislative Committee on Intergovernmental

Relations; repealing s. 11.80, F.S., relating to the Joint Legislative Committee on Everglades Oversight; repealing ss. 11.901-11.920, F.S., relating to the Florida Government Accountability Act; repealing ss. 13.01-13.09, F.S., relating to interstate cooperation; repealing ss. 13.90-13.996, F.S., relating to the Florida Legislative Law Revision Council; repealing ss. 216.0446, 216.163(2)(f), and 282.322, F.S., relating to the review of information technology resources needs and a special monitoring process for designated information resources management projects; repealing ss. 450.201, 450.221, 450.231, and 450.241, F.S., relating to the Legislative Commission on Migrant and Seasonal Labor; renumbering s. 13.10, F.S., relating to state commissioners to the National Conference of Commissioners on Uniform State Laws; amending s. 1.01, F.S.; defining the terms "Administrative Procedures Committee," "Legislative Auditing Committee," "Legislative Accountability Office," and "Office of Economic and Demographic Research," applicable throughout the statutes; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; conforming provisions to changes made by the act; amending s. 11.45, F.S.; defining the terms "Auditor General" and "Presiding officer" for purposes of ss. 11.40-11.47, F.S.; providing duties of the Legislative Accountability Office; providing for the office to perform duties previously performed by, and be subject to requirements previously imposed on, the Auditor General and the Office of Program Policy Analysis and Government Accountability; conforming provisions to changes made by the act; amending s. 11.47, F.S.; applying penalties to the director and staff of the Legislative Accountability Office for failure to make a proper audit or examination, making a false report, or failure to produce documents or information; conforming provisions to changes made by the act; amending ss. 112.3187 and 112.3189, F.S.; including the Legislative Accountability Office within the Whistle-blower's Act; amending s. 1000.01, F.S.; deleting provisions relating to creation of the Council for Education Policy Research and Improvement; amending ss. 11.9005, 29.0085, 112.313, 112.324, 163.055, 163.3245, 189.421, 189.428, 215.981, 216.181, 218.32, 218.38, 259.1053, 287.0943, 288.7001, 288.9610, 373.026, 373.036, 373.45926, 450.261, 590.33, 1001.453, 1004.28, and 1004.70, F.S.; conforming provisions to changes made by the act; requesting the Division of Statutory Revision to make conforming changes to the Florida Statutes; providing an effective date.

(Amendment Bar Code: 905180)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has adopted HCR 5711, with 1 amendment. Having refused to adopt HCR 5711 as adopted by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HCR 5711—A concurrent resolution relating to joint legislative organizations.

(Amendment Bar Code: 147150)

Senate Amendment 1 (with title amendment)—Delete everything after the resolving clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the resolving clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 5713, with 1 amendment. Having refused to pass HB 5713 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

HB 5713—A bill to be entitled An act relating to agency travel; creating s. 20.059, F.S.; providing job-related travel and reimbursement reporting requirements for state agency heads and other specified state officials; providing an effective date.

(Amendment Bar Code: 410614)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 5801, with 1 amendment. Having refused to pass CS for HB 5801 as passed by the House, the Senate accedes to the request for conference.

R. Philip Twogood, Secretary

CS/HB 5801—A bill to be entitled An act relating to taxation; directing the Department of Revenue to develop and implement an amnesty program for taxpayers subject to the state and local taxes imposed by chapters 125, 175, 185, 198, 199, 201, 202, 203, 206, 211, 212, 220, 221, 252, 336, 376, 403, 624, 627, 629, and 681, F.S., and required to be paid to the Department of Revenue; providing time periods; providing program guidelines; providing for eligible participants; providing for waiver of penalties and interest under specified circumstances; providing for emergency rules; providing an appropriation; amending s. 213.053, F.S.; providing that the department may release confidential taxpayer information relating to a corporation having an outstanding tax warrant to the Department of Business and Professional Regulation; authorizing the department to publish a list of taxpayers against whom it has filed a warrant, notice of lien, or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the department to adopt rules; authorizing the department to provide confidential taxpayer information relating to collections from taxpayers against whom it has taken a collection action; amending s. 213.50, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to revoke or deny the renewal of a license to operate a public lodging establishment or public food service establishment under certain circumstances; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant, notice of lien, or judgment lien certificate; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant, notice of lien, or judgment lien certificate; authorizing the department to adopt rules, including emergency rules; creating s. 213.758, F.S.; defining terms; providing for the transfer of tax liabilities to the transferee of a business or a stock of goods under certain circumstances; providing exceptions; requiring a taxpayer who quits a business to file a final tax return; authorizing the Department of Legal Affairs to seek injunctions to prevent business activities until taxes are paid; requiring

the transferor of a business or stock of goods to file a final tax return and make a full tax payment after a transfer; authorizing a transferee of a business or stock of goods to withhold a portion of the consideration for the transfer for the payment of certain taxes; authorizing the Department of Legal Affairs to seek an injunction to prevent business activities by a transferee until the taxes are paid; providing that the transferees are jointly and severally liable with the transferor for the payment of taxes, interest, or penalties under certain circumstances; limiting the transferee's liability to the value or purchase price of the transferred property; specifying a time period within which a transferee may file certain actions; providing no liability to a transferee for a an involuntary transfer; authorizing the Department of Revenue to adopt rules; reenacting and amending s. 218.12, F.S.; making permanent a methodology for determining the value of assessments for certain homesteads for certain purposes; authorizing full-time equivalent positions and providing an appropriation for the purpose of conducting audits and tax collection services in the Department of Revenue; providing an effective date.

(Amendment Bar Code: 195482)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete everything before the enacting clause.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Schultz:

Yeas—April 1: 672

First-named Sponsors

CS/HB 1509—Murzin

Cosponsors

HB 7—Soto, T. Williams

HB 11—Steinberg

CS/HJR 37—Gonzalez

CS/HB 65—Reed

CS/HB 173—Zapata

CS/HB 225—Garcia, Rouson

CS/CS/HB 303—O'Toole

CS/HB 341—Stargel

HB 489—Coley

HB 523—Soto

HB 525—Glorioso

HB 627—Brisé, T. Williams, Zapata

CS/HB 637—G. Thompson

CS/CS/HB 665—Carroll

CS/CS/HB 697—Steinberg

CS/CS/HB 709—Robaina, Van Zant

CS/HB 765—Robaina

CS/CS/HB 913—Zapata

HB 941—Nehr

CS/CS/HB 983—Boyd, Zapata

CS/HB 1009—Cannon

CS/CS/HB 1169—Patronis

CS/HB 1189—Brisé, T. Williams

HB 1193—Adkins

HB 1439—Soto

HB 1449—Snyder

HB 1521—Y. Roberson

HR 1561—McKeel

HB 1581—Patterson, Rader

HM 1583—T. Williams

CS/CS/HB 7053—Cannon

First Reading of Council and Committee Substitutes by Publication

By the General Government Policy Council; Military & Local Affairs Policy Committee; and Insurance, Business & Financial Affairs Policy Committee; Representatives Aubuchon, Bovo, Kreegel, Proctor, and Van Zant—

CS/CS/CS/HB 663—A bill to be entitled An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for homestead exemption purposes; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters' Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; creating s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners' Construction Recovery Fund and the Florida Building

Code Administrators and Inspectors Board; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s. 468.8311, F.S.; revising the term "home inspection services"; amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8324, F.S.; specifying additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.; requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.509, F.S.; deleting certain requirements for alternate power sources for elevators for purposes of operating during an emergency; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring the remaining funds from the surcharge to be used to fund the Florida Building Commission and the Department of Community Affairs; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations; amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative plans review and inspection process or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding roof and opening protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; conforming provisions to changes made by the act in which core curriculum courses relating to the Florida Building Code are deleted; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term "preengineered systems"; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; exempting single-family dwelling units from fire sprinkler requirements; amending s. 633.026, F.S.; providing legislative intent; revising authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding

interpretation; requiring that the Division of State Fire Marshal develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and in the Florida Administrative Weekly; amending s. 626.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081, F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be consistent with certain standards and establish minimum training, education, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; providing that nonmandated sprinkler systems may not be required to be removed; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Agriculture & Natural Resources Policy Committee; Representatives Hays, Holder, and Mayfield—

CS for HB 1407, HB 1367 & HB 1605—A bill to be entitled An act relating to water management districts; amending s. 373.0693, F.S.; revising provisions relating to the membership of basin boards; specifying the terms of service for basin board members designated by district governing board chairs; providing that basin board members designated by district governing board chairs are voting members and counted for quorum purposes; providing for designated district governing board members to serve as basin board chairs and co-chairs; authorizing basin boards to transact official business under certain conditions; revising provisions relating to the membership of the Manasota Basin Board; providing for the designation of a member of the district governing board to serve on the basin board; amending s. 373.171, F.S.; exempting cooperative funding programs from certain rulemaking requirements; creating s. 373.0725, F.S.; establishing a water management district governing board nominating commission; providing criteria for governing board member nominees; providing for the appointment of commission members by the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for terms and duties of commission members; requiring the Executive Office of the Governor to provide administrative support to the commission and to adopt rules; amending s. 373.089, F.S.; requiring governing boards to review and make available for purchase specified lands; amending s. 112.3145, F.S.; providing that members of the water management district governing board nominating commission are state officers for purposes of financial disclosure requirements; amending s. 373.228, F.S.; revising provisions relating to the authority of local governments to adopt and implement, by ordinance, specified landscape irrigation restrictions; amending s. 373.246, F.S.; authorizing local governments to adopt ordinances that implement specified water shortage and emergency orders; amending s. 298.66, F.S.; revising provisions prohibiting the obstruction of certain drainage works; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

CS/HB 159—Referred to the Finance & Tax Council and General Government Policy Council.

CS/HB 207—Referred to the Military & Local Affairs Policy Committee; Natural Resources Appropriations Committee; and General Government Policy Council.

CS/HB 311—Referred to the Government Operations Appropriations Committee and General Government Policy Council.

CS/HB 447—Referred to the General Government Policy Council.

CS/CS/HB 713—Referred to the General Government Policy Council.

CS/HB 773—Referred to the Full Appropriations Council on Education & Economic Development and Economic Development & Community Affairs Policy Council.

CS/HB 963—Referred to the Economic Development & Community Affairs Policy Council and the Full Appropriations Council on Education & Economic Development.

CS/CS/HB 981—Referred to the General Government Policy Council.

CS/HB 1035—Referred to the General Government Policy Council.

CS/HB 1181—Referred to the General Government Policy Council.

CS/HB 1197—Referred to the Policy Council and Full Appropriations Council on Education & Economic Development.

CS/CS/HB 1239—Referred to the General Government Policy Council.

CS/CS/HB 1241—Referred to the Calendar of the House.

CS/CS/HB 1271—Referred to the Economic Development & Community Affairs Policy Council.

CS/HB 1277—Referred to the Policy Council and General Government Policy Council.

CS/HB 1355—Referred to the Elder & Family Services Policy Committee and General Government Policy Council.

CS/HB 1385—Referred to the General Government Policy Council.

CS/HB 1563—Referred to the Government Operations Appropriations Committee and General Government Policy Council.

CS/HB 7099—Referred to the Calendar of the House.

HB 7209—Referred to the Full Appropriations Council on Education & Economic Development and General Government Policy Council.

HB 7211—Referred to the General Government Policy Council.

House Resolutions Adopted by Publication

At the request of Rep. Schwartz—

HR 9019—A resolution recognizing June 16, 2010, as "Budd Bell Day" in the State of Florida.

WHEREAS, Elizabeth Lander "Budd" Bell's impassioned advocacy on behalf of the state's most vulnerable citizens earned her the moniker the "conscience of Florida," and

WHEREAS, Elizabeth Lander, born in Winnipeg, Canada, on June 16, 1915, became the first woman president of her high school class, earned bachelor's, master's, and doctorate degrees in sociology, and moved to Florida in 1969 with her husband, William Bell, where she continued her lifelong dedication to improving the lives of children, elders, and people with disabilities or mental illness, and

WHEREAS, Elizabeth Lander Bell was nicknamed "Buddha," later shortened to "Budd," when, as a teenager and a counselor at a camp for disabled children, she provided leadership and guidance to other counselors while sitting under a tree, cross-legged, reminiscent of the Buddha, discussing issues relating to justice for the disadvantaged, and

WHEREAS, in 1972, Budd Bell, after persuading the Legislature to match the funding provided by the Federal Government for child care for low-income families, founded Kids Incorporated of the Big Bend, Florida's first subsidized child care center, and

WHEREAS, in 1974, Budd Bell established what is now known as the Budd Bell Clearinghouse on Human Services, an advocacy coalition of over 200 member organizations devoted to providing human services, and was a founder of the Florida Center for Children and Youth and the state's Human Rights Advocacy Committees, which have advocated for human services clients since 1975, and

WHEREAS, Budd Bell was instrumental in drafting Florida's involuntary commitment law, the Baker Act, to protect the mentally ill from being held against their will in locked hospitals, and

WHEREAS, Budd Bell was a founding member of the National Association of Social Workers, and

WHEREAS, in 1998, Budd Bell received the Allstate Good Hands Award, presented to her by General Colin Powell, for her dedication to volunteer advocacy, and

WHEREAS, Budd Bell received honors and awards and achieved milestones too numerous to mention in the advancement of human social services, and

WHEREAS, Budd Bell sought to improve the quality of life of all Floridians throughout the 77 years she spent as an advocate for human services, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That June 16, 2010, is recognized as "Budd Bell Day" in the State of Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Bullard—

HR 9031—A resolution commending the members of the Florida High School Athletic Association for producing student athlete football players who excel on the high school and collegiate levels.

WHEREAS, the Florida High School Athletic Association, the official governing body for interscholastic athletics in the state, is composed of member schools who work cooperatively to provide opportunities for high school student athletes to participate in interscholastic athletic programs, and

WHEREAS, Florida high school student athletes Matt Elam, Chaz Green, Christian Jones, Lamarcus Joyner, Corey Lemonier, Jeff Luc, Ivan McCartney, and Jaylen Watkins comprised 8 of the top 50 ranked high school football recruits in the nation, and

WHEREAS, 152 collegiate student athlete football players from Florida competed for various schools across the country in NCAA conference championship title games in 2009: 24 representing Central Michigan University and Ohio University in the Marathon MAC Championship Game, 11 representing East Carolina University and the University of Houston in the Conference USA Championship Game, 83 representing the University of Alabama and the University of Florida in the Southeastern Conference Title Game, 3 representing the University of Nebraska-Lincoln in the Big Twelve Championship Game, and 31 representing the Georgia Institute of Technology and Clemson University in the Atlantic Coast Conference Championship Game, and

WHEREAS, in 2009, 63 student athletes from Florida represented the highest ranking teams in various athletic conferences throughout the nation: 7 representing the University of Cincinnati, 8 representing the Ohio State University, 18 representing the United States Naval Academy, 1 representing the University of Oregon, 27 representing Troy University, and 2 representing Boise State University, and

WHEREAS, Floridians Javier Arenas, Terrence Cody, P.J. Fitzgerald, Star Jackson, Marquis Johnson, Mike Johnson, Colin Peek, Trent Richardson, Chris Rogers, Edd Stinson, Roy Upchurch, and Nick Williams were members of the University of Alabama's 2010 Bowl Championship Series Championship team, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives proudly commends the members of the Florida High School Athletic Association for producing student athlete football players who excel on the high school and collegiate levels.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Florida High School Athletic Association as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Gibson—

HR 9051—A resolution acknowledging the invaluable contributions Delta Sigma Theta Sorority, Inc., has made to the people of Florida and recognizing March 21-23, 2010, as "The 16th Annual Delta Days at the Florida Capitol."

WHEREAS, Delta Sigma Theta Sorority, Inc., is a public service organization founded on January 13, 1913, by 22 outstanding women at Howard University in Washington, D.C., and

WHEREAS, nearly 6 weeks after its founding, the first public act of the sorority was its participation in the Women's Suffrage Movement demanding rights for women, particularly the right to vote, and

WHEREAS, Delta Sigma Theta Sorority, Inc., is a sisterhood of college-educated women committed to implementing the sorority's mission through its Five Point Program Thrust: Economic Development, Educational Development, Physical and Mental Health, Political Awareness and Involvement, and International Awareness and Involvement, and

WHEREAS, Delta Sigma Theta Sorority, Inc., recently celebrated 97 years of exemplary service and support to local communities, leading dialogue on public policy issues, supporting quality education, producing new projects to stimulate current and future economic growth, and improving the holistic well-being of minorities internationally, and

WHEREAS, with more than 200,000 college-educated women and over 900 chapters worldwide, 52 of which are located in Florida and the Bahamas, members of Delta Sigma Theta Sorority are clearly focused and visible as corporate and civic leaders, productive public officials, acclaimed academicians, and activists in their own right, and

WHEREAS, for the past 15 years, the sorority's Florida chapters have conducted "Delta Days at the Florida Capitol" to provide information to state legislators and government executives which is vital to developing public policy; to host a reception for state legislators and government executives; and to monitor the progress of pending legislation related to significant public policy issues, and

WHEREAS, on March 21-23, 2010, under the leadership of Christine M. Nixon, the 22nd Southern Regional Director, the members of the 52 chapters of the sorority that now serve Florida and the Bahamas will converge on Tallahassee to conduct the 16th Annual Delta Days at the Florida Capitol, to celebrate the theme "Advocacy in Action: Strengthening Our Legacy," and to provide special recognition to the Delta Dears who have blazed trails in social advocacy and public service at the Fourth Annual Honorable Carrie P. Meek Servant Leadership Luncheon, and

WHEREAS, Senators Larcenia J. Bullard and Arthenia L. Joyner and Representatives Gwyndolen Clarke-Reed and Audrey Gibson are esteemed members of Delta Sigma Theta Sorority, Inc., NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives commends Delta Sigma Theta Sorority, Inc., for its contributions to the people of Florida and recognizes March 21-23, 2010, as "The 16th Annual Delta Days at the Florida Capitol."

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Standing Councils and Committees

Received April 6:

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 33

The above committee substitute was placed on the Calendar of the House.

The Health & Family Services Policy Council reported the following favorably:
CS/HB 91

The above committee substitute was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 97

The above committee substitute was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/CS/HB 119

The above committee substitute was placed on the Calendar of the House.

The Health Care Appropriations Committee reported the following favorably:
CS/HB 195

The above committee substitute was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
HB 309

The above bill was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
HB 525

The above bill was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 615

The above committee substitute was placed on the Calendar of the House.

The General Government Policy Council reported the following favorably:
CS/CS/HB 663 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 663 was laid on the table.

The Health Care Appropriations Committee reported the following favorably:
CS/HB 729

The above committee substitute was transmitted to the next council or committee of reference, the Health & Family Services Policy Council.

The Criminal & Civil Justice Policy Council reported the following favorably:
HB 813

The above bill was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 821

The above committee substitute was transmitted to the next council or committee of reference, the General Government Policy Council.

The Health & Family Services Policy Council reported the following favorably:
HB 923

The above bill was placed on the Calendar of the House.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 951

The above committee substitute was placed on the Calendar of the House.

The Government Operations Appropriations Committee reported the following favorably:
HB 1193

The above bill was transmitted to the next council or committee of reference, the Economic Development & Community Affairs Policy Council.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 1291

The above committee substitute was placed on the Calendar of the House.

The Health & Family Services Policy Council reported the following favorably:
HB 1293

The above bill was placed on the Calendar of the House.

The Insurance, Business & Financial Affairs Policy Committee reported the following favorably:
HB 1379

The above bill was transmitted to the next council or committee of reference, the Government Operations Appropriations Committee.

The Government Operations Appropriations Committee reported the following favorably:
HB 1401

The above bill was transmitted to the next council or committee of reference, the Economic Development & Community Affairs Policy Council.

The Agriculture & Natural Resources Policy Committee reported the following favorably:
HB 1407 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 1407 was laid on the table.

The Criminal & Civil Justice Policy Council reported the following favorably:
CS/HB 1455

The above committee substitute was placed on the Calendar of the House.

The State Universities & Private Colleges Appropriations Committee reported the following favorably:
HB 1581

The above bill was transmitted to the next council or committee of reference, the Education Policy Council.

Excused

Reps. Planas, G. Thompson

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 6:45 p.m., to reconvene at 1:00 p.m., Wednesday, April 7, 2010, or upon call of the Chair.

Pages and Messengers
for the week of
April 5-9, 2010

Pages—Zachary Ahlheim, Jacksonville; Jonah Aycock, Auburndale; Allison Britton, Cape Coral; Shaniece Cooper, Miami; Stephanie Detert, Venice; Hamilton Eng, Jacksonville; Samuel Hazen, Jacksonville; Nicholas Hodges, Gainesville; Chad Holmes, Palm Beach Gardens; Jaylan Jones, Williston; Ray Payne, Tallahassee; Caleb Rader, Delray Beach; Ruby Rader, Delray Beach; Athena Raiford, Seminole; Robert Shipman, Fruitland Park; Nicholas Suarez, Miami; Ethan Uhlig, Apopka; Hector Villar, Tallahassee. Also serving were Jeff Albro, Terri Fogh, Jared McNutt, Tim Patterson, Susan Scarlett, Trisha Spaulding and Charles White.

Messengers—TeLisha Anderson, Port St. Lucie; Meredith Baker, Tampa; Jeffrey Borrelli, Davie; Mark Cleaver, Grand Island; Solange Ganthier, Lake Placid; Tanner Gillespie, Gainesville; Zachary Hodges, Gainesville; Jasmine Jones, Williston; Connor Larkin, St. Johns; Albert Lorenzo, Miami; Andrew McBride, Fort Myers; Jeffrey Nunes, Pompano Beach; Victoria Padgett, Land O' Lakes; Timothy Plakon, Longwood; Nicole Santeiro, Ponte Vedra Beach; Connor Sequeira, Land O' Lakes; Peter Suarez, Miami; Tayler Williams, Crawfordville.

CHAMBER ACTIONS ON BILLS

Tuesday, April 6, 2010

CS/HB 173 — Read 2nd time; Read 3rd time; CS passed; YEAS 110, NAYS 6; Requests Senate concur or failing to concur appoint conference cmte

CS/HB 483 — Read 2nd time; Read 3rd time; CS passed; YEAS 115, NAYS 0; Requests Senate concur or failing to concur appoint conference cmte

CS/CS/HB 697 — Read 2nd time; Amendment 453503 adopted; Amendment 519635 adopted; Amendment 582497 adopted; Read 3rd time; CS passed as amended; YEAS 117, NAYS 0; Requests Senate concur or failing to concur appoint conference cmte

HB 711 — Read 2nd time; Read 3rd time; Passed; YEAS 79, NAYS 36; Requests Senate concur or failing to concur appoint conference cmte

CS/CS/HB 913 — Read 2nd time; Read 3rd time; CS passed; YEAS 109, NAYS 7; Requests Senate concur or failing to concur appoint conference cmte

CS/CS/HB 983 — Read 2nd time; Amendment 117191 adopted; Read 3rd time; CS passed as amended; YEAS 108, NAYS 9; Requests Senate concur or failing to concur appoint conference cmte

CS/CS/HB 1169 — Read 2nd time; Read 3rd time; CS passed; YEAS 114, NAYS 0; Requests Senate concur or failing to concur appoint conference cmte

CS for CS for SB 1238 — Read 2nd time; Amendment 441057 adopted; Read 3rd time; CS passed as amended; YEAS 117, NAYS 0; Requested Senate to concur

CS for SB 1396 — Read 2nd time; Amendment 127841 adopted; Read 3rd time; CS passed as amended; YEAS 113, NAYS 0; Requested Senate to concur

CS for SB 1436 — Read 2nd time; Amendment 636269 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0; Requested Senate to concur

CS for SB 1442 — Read 2nd time; Amendment 292823 adopted; Read 3rd time; CS passed as amended; YEAS 111, NAYS 4; Requested Senate to concur

CS for CS for SB 1484 — Read 2nd time; Amendment 851299 adopted; Read 3rd time; CS passed as amended; YEAS 115, NAYS 0

CS for SB 1508 — Read 2nd time; Amendment 450161 adopted; Read 3rd time; CS passed as amended; YEAS 113, NAYS 0

CS for SB 1510 — Read 2nd time; Amendment 290757 adopted; Read 3rd time; CS passed as amended; YEAS 113, NAYS 0

CS for SB 1514 — Read 2nd time; Read 3rd time; CS passed as amended; YEAS 114, NAYS 0; Amendment 814761 adopted

CS for CS for SB 1516 — Read 2nd time; Amendment 273829 adopted; Read 3rd time; CS passed as amended; YEAS 115, NAYS 0

CS for SB 1592 — Read 2nd time; Amendment 638171 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0

CS for SB 1646 — Read 2nd time; Amendment 356871 adopted; Read 3rd time; CS passed as amended; YEAS 115, NAYS 0

CS for SB 2020 — Read 2nd time; Amendment 773415 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0

CS for SB 2024 — Read 2nd time; Amendment 766227 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0

CS for SB 2374 — Read 2nd time; Amendment 674563 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0

CS for SB 2386 — Read 2nd time; Amendment 452313 adopted; Read 3rd time; CS passed as amended; YEAS 114, NAYS 0

HB 7201 — Read 2nd time; Read 3rd time; Passed; YEAS 112, NAYS 0; Requests Senate concur or failing to concur appoint conference cmte

HR 9057 — Read 2nd time; Adopted

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

April 6, 2010

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